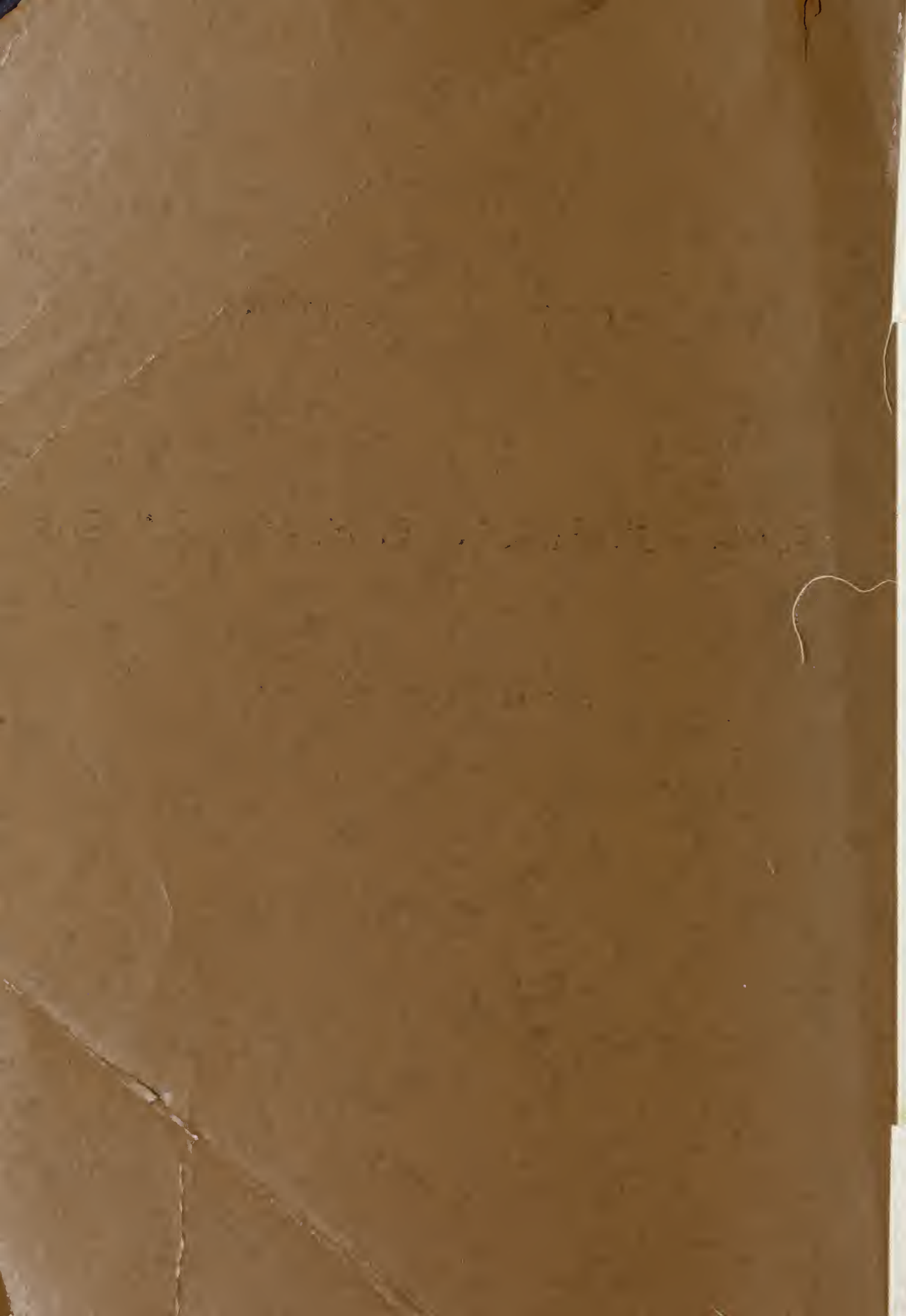


*Metropolitan Association
of Real Estate Boards*

CRITICAL ANALYSIS
of the
PLAN FOR REZONING NEW YORK CITY
METROPOLITAN ASSOCIATION
of
REAL ESTATE BOARDS

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CRITICAL ANALYSIS
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of
REAL ESTATE BOARDS

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FOREWORD

When, in the year 1948 the City of New York authorized the preparation of a Plan for the Rezoning of the City and engaged the firm of Harrison, Ballard and Allen to make the necessary study and to develop the plan, the real estate interests in the City, as represented by the five real estate boards, immediately undertook a survey of the subject as vital to the sound and proper development of the City's vast real estate asset.

There was general agreement that the present zoning ordinance is in some respects obsolete and in need of redrafting, and full cooperation was offered to the Consultants — first by the separate boards, and then by a representative committee of the Metropolitan Association of Real Estate Boards on behalf of all of them.

Acceding to urgent requests, the Consultants furnished our Committee from time to time with some information concerning the progress of their work, and, as this work developed, continuing studies were made by us of the suggested new Use Maps and of the other provisions of the proposed plan as these were received. Frequent suggestions were made to the Consultants, many of which were adopted by them. Throughout the evolution of the plan, the boards endeavored to furnish complete cooperation toward the formation of a sound and strong zoning resolution in order to give assurance of stabilizing the development of the City and providing for its continued pre-eminence as a residential, commercial and industrial municipality.

At a meeting held on May 11, 1951, following the distribution of the Plan for Rezoning, the Metropolitan Association of Real Estate Boards appointed the undersigned committee and authorized it to engage the necessary professional staff to undertake an objective study of the text of the Proposed Plan and of its effect upon the real estate of the City. This study was to be conducted as a public service, and its results were to be made available to all interested civic and professional associations in order that each, on the basis of the facts uncovered, might be better able to determine its position with respect to the Plan for Rezoning, and to formulate, when deemed necessary, well-considered recommendations for amendments to the Plan before its adoption.

The Committee was authorized to accept subscriptions toward the expense of this study, and a substantial amount has been

contributed.

Acknowledgment is made to Mr. Charles J. Mylod, who spear-headed the collection of subscriptions toward the expense of the study. Without his efforts and the many contributions of interested associations, institutions and individuals, the study could not have been made.

The City Planning Commission, since receipt of its consultants' report, because of lack of personnel or for other reasons, has not made the essential detailed study of the effect of the proposed regulations on the real estate of the City.

It must be understood that this study includes no consideration of the Use District Maps, as proposed. No final consideration can be given to the Use Maps until this report is made available.

The Committee has met throughout the balance of the year with frequent regularity. It has been fortunate in having as its principal Consultant Latham C. Squire, Consulting Engineer, together with his two associates, Mr. George Baumgarten, Architect, and Mr. William B. Owen, Jr., City Planner. We have had also the active assistance of a number of our leading architects and builders, and especially of Mr. Ralph W. Crolley of the law firm of Cullen and Dykman, Mr. Richard Roth of the architectural firm of Emery Roth and Sons, Mr. C. McKim Norton, Vice President of the Regional Plan Association and Mr. Pasquale L. Santoro, Director, Zoning Division, Borough of Richmond.

The following detailed report discusses only those recommendations which the study shows to be faulty. It is hoped that the objections disclosed in this report, which undoubtedly will be urged by other interested groups, may not discourage the effort that the City has so well begun toward a revision of the zoning ordinance.

On behalf of the Metropolitan Association of Real Estate Boards, the undersigned Committee takes pleasure in presenting this thorough, critical analysis of the Proposed Resolution to the general public and gives assurance of its continued interest and effort to the end that with reasonable promptness the City of New York may effect such amendments as are necessary to modernize and strengthen the Zoning Resolution.

COMMITTEE

Henry J. Davenport, *Chairman*
The Real Estate Board of New York, Inc.

Frank A. Barrera
Brooklyn Real Estate Board, Inc.

Alfred N. Warwick
Long Island Real Estate Board, Inc.

Leonard V. Lavelle
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Staten Island Real Estate Board, Inc.



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INTRODUCTION

This report is based upon the findings of a group of technicians and is the result of a six-months study and analysis of the Plan for Rezoning New York, prepared by Harrison, Ballard and Allen, Consultants to the City Planning Commission.

The Plan for Rezoning consists of a General Report and the text of a Proposed Zoning Resolution and Zoning Maps, recommended by the authors as a substitute for the existing Zoning Resolution.

PRESENT ZONING RESOLUTION

The present Zoning Resolution, adopted in 1940, was a revision and rewriting of the original 1916 Resolution.

The allocation of land for residential, commercial and industrial uses, is incomplete, inadequate and is obviously not in accordance with present requirements. This fact results in far less protection to real property values than an up-to-date ordinance based upon modern requirements and trends.

The Present Resolution is outdated and inadequate — this applies to the Zoning Maps as well as to the text of the Resolution. Both the text and maps are greatly in need of modernization. This report, however, deals only with the text of the Proposed Resolution and not with the Use District Maps.

GENERAL DISCUSSION

This study of the Proposal has revealed that while this report must disagree with the authors of the Proposed Resolution on a considerable number of issues, there are, on the other hand, many basic ideas and devices contained in the Plan that, if adopted, would prove to be of great benefit to the City.

Although the preparation of the Plan for Rezoning was characterized throughout by a serious attempt to write a simple law that could be easily understood, the result has proved to be complication, not simplification. The study shows that the basic reason for this complexity is the permissive method of listing the uses in the different zoning Districts. The over-refinement of the Use Groups themselves has further complicated the Proposed Resolution. This makes for difficulty in understanding and in administering it. The following is quoted from a Connecticut Court Decision: "The purpose of zoning is not to remodel a community but to provide protection for existing developments and some control of future growth."

In the body of the report which follows is a critical analysis of the text of the Proposed Resolution; below is a general summary of the more important proposed provisions.

A one-map system to replace the present method, which uses three separate maps to show the boundaries of various zoning districts, would certainly be an improvement.

More adequate protection for industrial sites is provided for in the Proposal, not only by careful mapping but by prohibiting the construction of new residences in the districts set aside for heavy industry.

Bulk regulations. The basic bulk control is the limitation on

the total floor area of all new buildings. This must, obviously, be supplemented by other controls.

Floor Area Ratio is expressed as a multiple of the lot area and is the device used to regulate the capacity of a building by limiting its total floor area. This device is not altogether new to New York. The Present Resolution uses this principle in the six most highly restricted Residence Districts. It is, however, the first attempt to apply the device to all districts. The device is a good one and would, if adopted, prove beneficial to the City. A considerable amount of detailed adjustment will be necessary before adoption.

The Supplemental Bulk Controls such as Required Yards, Angles of Light Obstruction and Units of Light Access are all basically practicable devices. However, a considerable amount of adjustment in their detailed application is essential before adoption.

Another Supplemental Bulk Control, Usable Open Space, was found to be entirely impractical.

Permissive Use Regulation, which means that all uses permitted in each district are listed in the Zoning Resolution, is recommended by the authors of the Proposal to take the place of the "Prohibitive" method used in the Present Resolution. In the Proposal the permitted uses are listed in 18 separate Use Groups. Obviously, considerable thought was given to the detailed arrangement of these groups.

Careful consideration has been given in this study to the advantages and disadvantages of each of the two methods and a number of discussions were held with proponents of the proposed Permissive Method of listing uses. The definite conclusion arrived at is that no really substantial reasons have been brought forth to justify a change from the Present to the Proposed method in the face of the many serious disadvantages involved. It is recommended that the Present method be retained.

Off-street Parking Regulations are complicated because of the over-refinement of the Use Groups. An exhaustive study of this entire subject was made, with the valuable assistance of Mr. Richard Roth, R.A., in the Residence Districts. It was found that considerable adjustment must be made in the requirements, particularly in the higher bulk Residence, Commercial, and Manufacturing Districts.

Administrative Provisions. Although there are some good ideas contained in the article dealing with this subject, there are a considerable number of provisions that should be revised or omitted entirely.

Retroactive Provisions. There are retroactive provisions in the Proposal, all of which are probably legally unsound, unenforceable, and not desirable.

There are numerous other innovations contained in the Proposal such as the attempt to break up the present long ribbons of Business Zoning into smaller clusters of commercial uses. This report does not agree altogether with the method recommended for accomplishing this objective but does consider the basic idea a good one. The creation of the Residence-Restricted-Manufacturing District is an excellent idea.

CHANGES IN THE MULTIPLE DWELLING LAW AND CITY CHARTER

Some of the regulations contained in the Proposed Resolution are based on the assumption that the Multiple Dwelling Law, the New York City Charter and the Administrative Code will be amended to comply.

(a) **"The 20% Protest Clause."** One of the most serious recommendations — made in the Report, not in the text of the Proposed Resolution — is for the elimination from the Charter of the so-called "20% Protest Clause." This clause is in the Present Resolution, in the City Charter and, by the way, in the New York State Zoning Enabling Acts for all cities, towns and villages in the State. The clause requires a unanimous affirmative vote of all members of the Board of Estimate to adopt a zoning change if 20% or more of the owners of property in or near the affected area register objections to the change. The 20% Protest Clause in the Zoning Resolution should, by all means, be retained. This subject is discussed at considerable length in the comments under Article 16, Administrative Provisions.

(b) **Petitions For Zoning Changes.** In Section 1633 of the Proposed Resolution, there are two proposals that would require a change in Section 201 of the New York City Charter. They are both under the sub-heading, "Proceedings Initiated by Petition."

One proposal would require a change to permit a petition for an amendment in the Zoning Resolution to be initiated by property owners at any time during the year instead of the present regulation limiting such time to the month of April. This recommendation

appears to be a good one.

The second proposal would permit "householders" as well as taxpayers to petition for a zoning change. This second proposal should be definitely opposed.

(c) **Size of Off-Street Parking Spaces.** Section 1031 of the Proposed Resolution states, in regard to the required provision of off-street parking, that each 300 sq. ft. of net standing and maneuvering area represents one car space. If such spaces are both attended and within a completely enclosed building, or semi-enclosed building or on a roof, then 250 sq. ft. equals one car space. The Multiple Dwelling Law in Section 60.2 (b) limits the gross floor area of garages used for accessory parking of tenants' cars to 200 sq. ft. per vehicle for each family. Two hundred sq. ft. was adequate at the time this section was written, but for today's requirements it is decidedly tight. The Multiple Dwelling Law should be amended to conform to the areas as set forth in Section 1031 of the Proposed Resolution.

(d) **Averaging Angle of Light Obstruction.** The Multiple Dwelling Law has established a "set-back" plane for multiple dwellings which cannot be penetrated, except, of course, by dormers and by a tower; also a definite height limitation based upon the street width. The new device recommended in the Proposed Resolution which permits averaging the angle that governs the inclination of the "set-back" plane is an excellent idea. If averaging is to be accomplished to any beneficial degree, however, both of the above Multiple Dwelling Law limitations must be removed. It is strongly recommended that this be accomplished if possible.

ARTICLE 2 RESIDENCE AND ASSOCIATED DISTRICTS

RESIDENCE RETAIL DISTRICTS ADDITIONAL USE REGULATIONS

Section 232.20 limits to 500 square feet the amount of floor area that may be used for the production and servicing of goods, accessory to any of the permitted uses in Residence Retail Districts. It would be more reasonable and appropriate to express such a limiting floor area in terms of a percentage of the total floor area of the establishment, since stores vary considerably in size and in the requirements for different types.

In the RRB District, the maximum permitted size of a store is 2,000 square feet and the maximum mapped depth 100 feet. These two limitations were evidently devised for these strips of RRB, characterized at present by mixed residence and business, in order to discourage future construction and operation of substantial business establishments in this District, thereby forcing them into RRA or RRC. Although one may sympathize with the Consultants' desire to promote clustering of retail uses in specific areas, this round-about technique of setting up a zoning district for a type of use

and then attaching conditions that will discourage such use does not seem to be a legitimate exercise of the zoning power.

These regulations would prevent an owner from erecting a 30 ft. x 100 ft. store but would allow him to build two 20 ft. x 100 ft. stores side by side — hardly a defensible method of regulation. In addition, the 100 ft. limitation on depth in this District would indeed discourage store-building by preventing the owner from providing required off-street parking in the rear of his lot. But is this a reasonable device when so much emphasis is placed in the Proposed Resolution on the need for relieving traffic congestion by providing off-street parking facilities?

It is apparent that the RRB District is a kind of illegitimate off-spring. Neither is it truly retail, because of the restrictions attached to it, nor is it residential. It is recommended, therefore, that the RRB areas be zoned either as Bona Fide Retail — as RRC — or as Residence. To zone a man's property for retail use and then so restrict him that he cannot use it for this purpose is a rather questionable procedure.

ARTICLE 5 CLASSIFICATION OF USES

USE CONTROLS

GENERAL DISCUSSION

The Proposed Resolution departs radically from the Present Zoning Ordinance with respect to the kind of control exercised over use. Incorporated in the Present Resolution is a predominantly "prohibitive" system of use controls consisting of a list of 64 prohibited uses and of only 3 permitted uses, the latter residential. The Proposed Resolution, on the contrary, would institute throughout a "permissive" system of use controls consisting of 18 general "Use Groups" in which are listed well over 200 permitted individual uses, with more likely to be added.

Under this permissive system, the property owner first ascertains from the map what zoning district his property is located in, and this enables him to determine, through the District Tables, the general Use Groups which are permitted on his lot. A study of the specific uses listed in these Groups informs him exactly as to the uses he may develop on his property; whether, for example, he may locate there a barber shop, a pet shop, or a stand for selling live bait.

In an effort to discover what advantages would accrue from adoption of such a detailed and highly refined "permissive" use system, in lieu of the existing "prohibitive" method, a number of proponents of the "permissive" system were consulted on this matter. The principal arguments in favor of the "permissive" system elicited from these sources are presented as follows:

Precedent

It is contended that a number of cities have adopted permissive ordinances. Therefore, presumably, such a system of use control is desirable.

In itself, this is an empty argument. Substitution of a permissive for a prohibitive system must be justified on more rational grounds than an appeal to recent practice.

Available information discloses no city which has adopted the "permissive system" in such detail as this Proposal.

Control Over New Uses

It is contended that under the prohibitive use system, it is possible to establish in a district from which it ought to be excluded a new use that is not covered in the existing list of prohibitions. Under the permissive system, it is argued, such a use would have to be brought to the attention of the Planning Commission and be incorporated in the appropriate Use Group before it could be established. In the 35 years that the Present Ordinance has been in effect, only two really significant examples of uncontrolled encroachment by a new use have arisen in New York City — the one being filling stations, the other auto laundries. Cannot such situations be handled adequately by an alert Planning Commission? And do such rare occurrences as these justify the scrapping of prohibitive controls which have worked well, on the whole, in favor of permissive controls which threaten to introduce complications of their own?

Flexibility

It seems that the Consultants believe their permissive system to be

more flexible than the prohibitive because of a provision in the Proposal (Section 1615) which would authorize the Planning Commission to amend the use lists by adding uses thereto without referring such action to the Board of Estimate.

This delegation of legislative authority to the Planning Commission, an appointive body, seems to be clearly contrary to law. The basic **legal** procedure for adding uses under the Proposed permissive system cannot differ fundamentally from that now required under the existing prohibitive system. In either case, the power to amend must rest ultimately with the legislative body.

The police powers are delegated by the State to the governing body of the City for protection of the health, safety, morals and general welfare of the community. An efficient and democratic exercise of the police power is one in which the individual citizen's activities are curtailed by regulation only to the extent necessary to protect the community. Restrictions imposed under the police power should, therefore, be based on clear-cut, common-sense distinctions of right and wrong, good and bad, not on such tenuous criteria as that of "appropriateness" or "relative service area" which have guided the framers of the Proposed Resolution in setting up their complex system of Use Groups. After all, what one man calls "appropriate" the next man may very well consider "inappropriate."

While in theory a very general permissive system of controls, based only on broad categories of use, might prove workable and democratic, in practice, the permissive system seems unduly restrictive, at least as far as the Proposed Resolution is concerned. In their zeal for planning right down to the very last detail, the Consultants have endeavored to compile a list of every existing specific use, and within this complex and detailed tabulation to decide on the basis of "appropriateness" just which specific uses shall be permitted to associate and which must be segregated from one another. The proponents of the closely-defined Use Groups base the fine distinctions between uses permitted in the RRA Districts and those in the RRC Districts entirely upon "their relative service area." How such distinctions between permitted and prohibited uses could possibly be legally sustained under the police power is difficult to imagine. Certainly the "relative service area" of two types of retail stores bears no **substantial** relation to the public health, safety and general welfare. By carrying this classification of uses to such a degree of refinement, they have exceeded the bounds of practicability and invaded a domain of decision which rightfully belongs to the individual property owner or tenant.

USE GROUPS — GENERAL DISCUSSION

A reading of the Proposed Resolution is almost certain to leave one with a sense of confusion over its complexity. Careful study of the Proposal has revealed a primary cause of this complexity to be the over-refinement of the Use Groups.

Throughout the entire Proposal, this over-refinement is evident. One has only to study, for example, the table on page 211, Section 1024, **Parking Requirements for Retail, Service, Commercial and Manufacturing Uses**, to be convinced of the urgent need for

simplification before the Proposal can be understood by the general public and, equally important, before the Plan Examiners and Engineers in the Department of Housing and Buildings can hope to administer it.

Typical again of over-detailing in this Proposal is the distinction in permitted uses between the RRA District, on the one hand, and the RRB and RRC Districts, on the other. This study has not been able to uncover any valid reasons for excluding in an RRA District an optometrist but permitting watch repairs; for excluding a bank but permitting an office building; for excluding a gift shop but permitting a florist; for excluding a toy store but permitting a variety store; for excluding a telegraph office but permitting a telephone exchange; for excluding a clothing store but permitting a dry goods store; for excluding an art gallery but permitting a cabaret.

It is believed that the inclusion or exclusion of a particular kind of shop should be decided not by planners but rather by the economics of the particular situation. Supply and demand, it is safe to assume, will determine what kinds of stores are appropriate in a Residence Retail District. Obviously those which are needed will survive while those for which there is little demand will be forced to locate elsewhere.

Indeed it might prove much better to have but one Residence Retail District in lieu of the three proposed. Variations in depth, as well as length, could still be introduced, where desired, on the Zoning Maps.

Other instances have been discovered where the differences between uses in closely related districts have been "sliced too thin."

While the Proposed Resolution would establish 38 Zoning Districts, these fall into 15 classes of districts differentiated from one another by Use Groups. In the Present Resolution, there are but 10 classes of districts distinguishable by Use alone. Section 4 of the Present Ordinance lists 52 prohibited uses of which 17 have been added to the original list of 35 since its adoption in 1916. An additional 12 prohibited uses listed for the Restricted Retail District (other than those in Section 4) complete the picture, except for 3 permitted residential uses. Districts more restrictive than Business are formed by adding prohibited uses to the list of 52, while those less restrictive are formed by subtracting from this list. The number of uses involved seems few in comparison with the Proposed listing of well over 200 Permitted Uses. Since the existing list of prohibited uses is serving the City well, and since it is simpler and easier to understand and to administer than the Proposed list of permitted uses, there seems to be no compelling reason why it should be discarded in favor of the latter.

PERMITTED USES

USE GROUP 1

Home occupations should be carefully studied and reviewed with the Commissioner of Housing and Buildings and with the Chairman of the Board of Standards and Appeals. Experience in dealing with such uses in Residence Districts over the past thirty years has led to the adoption of certain necessary limiting rules and definitions.

USE GROUP 2

Philanthropic Institutions. There is no question that such uses must be permitted in the General Residence Districts. In recent

years, however, several nation-wide philanthropic institutions have made application to erect office buildings in Residence Districts. This has given rise to much dispute, and it is suggested, as a means of avoiding similar situations in the future, that in the Proposed Resolution the term "institution" be qualified by the phrase "except buildings used **primarily** for office purposes." The Proposed Resolution attempts to meet this problem in Use Group 2 by placing philanthropic institutions under the heading "The following uses when they include **residential** accommodations." But could not this requirement be met simply by providing one or two dwelling units in an office building? Such an office building used for philanthropic purposes would then include "**residential accommodations**" and so apparently would be able to locate in a Residence District.

USE GROUP 3

Transient hotels are not permitted in any district more restrictive than Residence Retail C. Hence they are excluded from all Residence Districts and from RRA and RRB. In the table, Section 230, on page 157 of the Proposed Resolution, Use Group 3 is not limited to the ground floor in RRC. Hence, although transient hotels are not permitted in Residence Districts, they are allowed in RRC mapped within a Residence District and are permitted a Floor Area Ratio equivalent to that of the Residence District. This device is evidently used to limit the location of transient hotels to the avenues and to prohibit them from side streets in Residence Districts. It is recommended that they be permitted anywhere in RB-5, RB-6 and RB-7 as a matter of right. A great many hotels are now located in the highest bulk Residence Districts and the need for changing this practice is not apparent.

A "hotel" is defined in the Proposed Resolution as a building "which contains living and sleeping accommodations for transient occupancy." This would appear to mean that an apartment hotel becomes a transient hotel if it contains but one room for transient occupancy. Probably 90% of all so-called "apartment hotels" have at least a few accommodations for transients and so would be thrown into the "transient" category under the above definition. This would have the effect of prohibiting their kind in a Residence District under the Proposed Resolution.

The Department of Housing and Buildings has established the rule that a "transient" hotel is one operating with more than 50% transient occupancy; otherwise it is classified as an "apartment" hotel.

The Multiple Dwelling Law defines a "transient hotel" as one "which is occupied, as a rule, transiently, as the more or less temporary abode for individuals or families who are lodged with or without meals." An "apartment hotel" is defined as one "which is occupied, as a rule, for permanent residence purposes."

In the present Zoning Resolution, no distinction is made between the two kinds of hotels, and they are permitted in all Residence Districts in which multiple dwellings are permitted. No compelling reason appears for a change.

USE GROUP 4

Golf Courses. This term should probably be limited to exclude commercial driving ranges, miniature golf courses, etc.

Outdoor Tennis Courts, Outdoor Ice Skating Rinks. These uses should probably not be permitted without qualification in single-family Residence Districts — particularly at night when they might attract large, noisy crowds. Grand stands should certainly be excluded from these Districts.

USE GROUP 5

Philanthropic Institutions. Here the term "philanthropic institutions" is qualified by the phrase "except **buildings** used exclusively for office purposes." The term "exclusively" is poorly chosen in that by providing one or two apartments in such an office building, it presumably would be legal for it to locate in Residence Districts. Substitution of the term "primarily" for "exclusively" is recommended. (See discussion of this topic under **Use Group 2.**)

USE GROUPS 6 AND 7

The basis for segregating the uses in Group 6 from those in Group 7 is not apparent. Probably the two Groups should be combined into one.

USE GROUP 8

This Group is permitted in RRB and RRC Districts. Certainly funeral parlors, pool halls, billiard parlors and bowling alleys should not be permitted on the ground floor of a multiple dwelling in these Districts. It is recommended that they be transferred to Use Group 10 which is first permitted in the General Business Districts.

An exhaustive study of the specific Use Groups has, unfortunately, not been possible owing to limitations on time. The foregoing detailed discussion of Use Groups is simply illustrative of the kinds of problems that have been discovered.

FACADE REGULATIONS

In order to "protect" the CA Districts, a device called "Facade Regulations" is introduced for these Districts.

Some 26 different uses in Use Groups 6, 7 and 9 are permitted in CA Districts but restricted as to location.

These may be located on the floor above or below the ground floor, or they may be on the ground floor if they are not within 50 feet of the street line. No display window for these uses may face upon the street. Since these restrictions are presumably based on aesthetic considerations, it is highly doubtful if they are either necessary or legally sustainable.

The above requirement would contribute substantially to the difficulty of enforcing the Proposed Resolution and would place additional burdens upon the staff of the Department of Housing and Buildings.

GENERAL CONCLUSION

Careful study of the Proposed Resolution has led to the conclusion that if the "permissive" use system is in fact superior to the prohibitive, it has not been shown to be so in that document. Until, therefore, positive evidence of this alleged superiority is forthcoming, there seems to be no good reason for discarding the present "prohibitive" method of use control in favor of a "permissive" one. Perhaps the solution is to revise the existing system so as to improve it and to eliminate the deficiencies which it undoubtedly does possess.

ARTICLE 6 DEFINITIONS

SECTION 606. DETACHED BUILDING

The definition given in the Proposed Resolution for a "detached building" is "a building surrounded by open space on the same zoning lot." This appears to mean that only a building with yards on all four sides is a detached building; also that a single-family house without a front yard is an attached building because it is not surrounded by "open space on the same zoning lot."

This definition is ill-considered and should be rewritten. If "detached building" is properly defined, there should also be realistic definitions of "attached building" and "semi-detached building."

SECTION 620. TRANSIENT HOTELS

In the Proposed Resolution a transient hotel is called simply a "hotel" and is defined as "a building or any part of a building which

(a) Contains living and sleeping accommodations for transient occupancy, and

(b) Has a common entrance or entrances."

This means that if only one room is used for transient occupancy a hotel becomes transient and is not permitted in any Residence District, in an RM District, or in an RRA or RRB District.

At present, both apartment hotels and transient hotels are permitted in Residence Districts — except, of course, in those Area Districts where only single-family and two-family homes are permitted.

A "hotel" — transient or otherwise — is not defined in the present Resolution because it is adequately defined and regulated in the Multiple Dwelling Law. An apartment hotel is termed a "Class A" multiple dwelling in the Multiple Dwelling Law and defined as "a multiple dwelling which is occupied, as a rule, for permanent residence purposes; a transient hotel is termed a "Class B" multiple dwelling and defined as "a multiple dwelling which is occupied, as a rule, transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals."

The Department of Housing and Buildings considers a hotel "transient" if more than 50% of its living and sleeping accommodations are for transient occupancy.

Both classes of hotels exist now in the higher bulk residence areas and are certainly not harmful to the neighborhoods.

As far as the definition of a transient hotel is concerned, if it is to be defined in the Proposed Resolution the definition might better read:

(a) Contains living and sleeping accommodations, more than 50% of which are for transient occupancy.

SECTION 629. CORNER LOT

The last part of the definition of "corner lot" given in the Proposed Resolution reads as follows: "A zoning lot which in all other respects resembles a corner lot but whose continuity is interrupted at the point of intersection of the street lines by another smaller zoning lot shall also be considered a corner lot."

This part of the definition is not necessary and would only complicate many situations by creating two corner lots at the same corner. Lot A in figure 1 should be termed a corner lot; lot B, an interior lot.

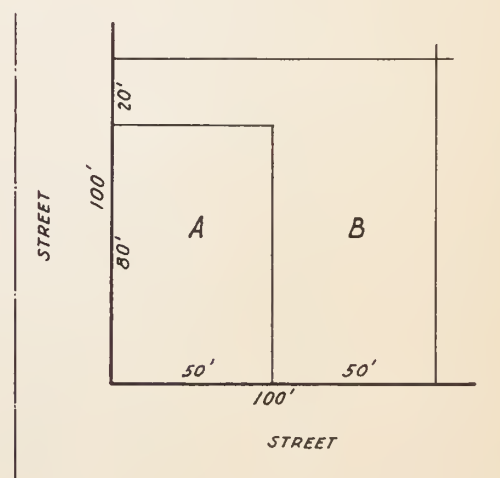


Figure 1. Corner lot.

The Proposal would call both A and B corner lots. This part of the definition should be omitted.

SECTION 651. YARDS

In the Proposal, a "yard" is defined as "that portion of the open area on a zoning lot extending open and unobstructed from its lowest level to the sky:

- (a) Along a lot line, and
- (b) From that lot line for a depth (or width) specified by the regulations of the district in which the zoning lot is located."

The confusion created by the definition of a zoning lot, described below, is greatly increased by the above definition of "yard." For

no opparent reoson this definition would reverse the procedure that has been standard since zoning was first conceived. One of the basic principles of zoning is that each property owner must provide his own light and air. He is not required to provide these amenities for his neighbor, nor is he permitted to count his neighbor's yard as his own for the purpose of access of light and air. The above definition would meosure yards inward from the lot lines instead of the present method of measuring the yard outward from the building. Obviously, if the building is to be ossured of proper light and air the yard must be next to the building, not somewhere else.

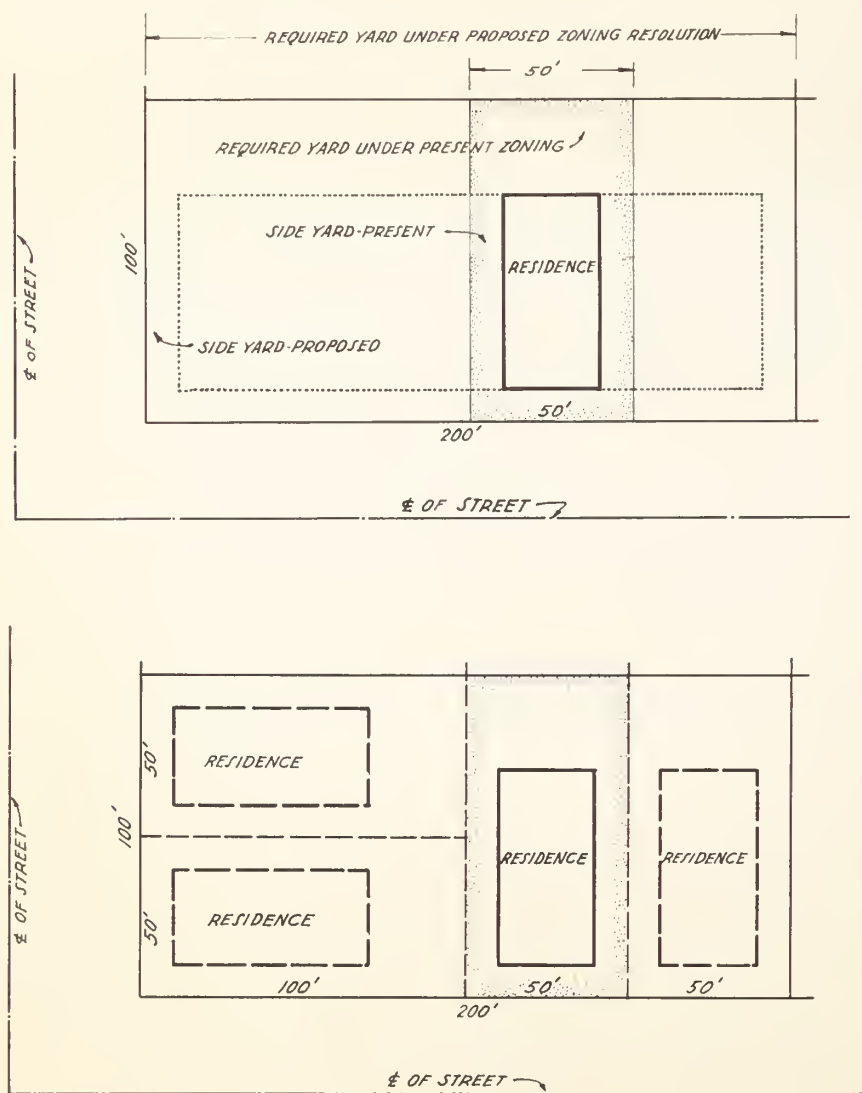


Figure 2. This shows a comparison between the Present and the Proposed methods of measuring yards. Figure 2 (b) shows how, with proper yard measurements, a plot may be easily sub-divided.

Core is taken in the definition to assure that the yard remains "open and unobstructed from its lowest level to the sky." Certainly this would not accomplish anything if between the building and the yard the space does not remain "open and unobstructed."

The Proposed method would cause confusion also if an owner with a house on his plot wishes to sub-divide and build more houses on the plot.

The Present method of measuring yards from the building outward should be retained.

SECTION 656. ZONING LOT

A "zoning lot" is defined in the Proposal as "a single tract of land, located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control."

Further, "A zoning lot may be subsequently sub-divided into two

(2) or more zoning lots . . ."

This definition appears to mean nothing more than that a zoning lot is simply a piece of land not larger than one block under one ownership or control.

This definition of a "zoning lot" as used throughout the Proposed Resolution is extremely confusing and necessitates many additional rules and regulations to make it workable. Any number of buildings may be constructed on this zoning lot and a zoning lot may be divided into any number of smaller zoning lots.

The correct definition of a "zoning lot" is stated in the Present Zoning Resolution in Section 1 (v) as follows: "A 'lot' is a parcel or plot of ground which is or may be occupied by a building and accessory buildings including the open spaces required by this resolution." That is truly a zoning lot — one which, when built upon, will satisfy all of the requirements of the Zoning Resolution for the Zoning District in which it is situated. A zoning lot may not be sub-divided and should not be confused with a tax lot.

ARTICLE 7 BASIC BULK CONTROLS

Of the five basic bulk controls, Floor Area Ratio, Yard Requirements, Angle of Light Obstruction, Light Access Units, and Usable Open Space, only the last, Usable Open Space, is considered on unworkable requirement.

Floor Area Ratio is an attractive and workable control although adjustments in the numerical values are needed. Yard requirements are basically similar in principal to those in the present resolution. Some change in required widths of yards are suggested however, in the following text. Entirely new in principal, the Angle of Light Obstruction holds promise of improved, simpler, more economical building shapes, after some changes have been made in this regulation. Elimination of complex tower, dormer, and set-back provisions as contained in the present regulation, is a progressive step. When initial familiarity with the proposed provision of averaging is achieved, the advantages of the newer devices will be more easily understood.

Light Access Units is a new method for proportioning courts, which when modified to a more reasonable value, will simplify building design and construction. The elimination of rigid standards of court proportions and complex set-backs at various levels, should compensate for the effort required to learn this new technique.

In the following text studies of the proposed bulk regulations are provided to convey the more important advantages and limitations of the new bulk controls. A complete survey of any of these regulations could be as extensive in required space as this entire report. It is necessary, therefore, to limit the discussion to only the more important points of consideration.

FLOOR AREA RATIO

Floor Area Ratio has not been included in this report. A study of this kind would require a detailed field survey, for which the Committee is not equipped. Studies are being made, however, by committees of the individual Real Estate Boards which make up the Metropolitan Association. It is expected that the reports of these committees will be available within a reasonable time after the distribution of this report.

REAR YARD REQUIREMENTS

In the Proposed Resolution, the depth of required yards for Residential Buildings has been substantially increased. Present required rear yards of 13 ft. minimum (Multiple Dwelling Law) are changed in the Proposed regulation to a minimum of 30 ft. for all residential buildings.

In Figures 3, 4, 5, and 6, the effect of this increase in yard depth on a selection of existing buildings can be studied. It will be noted from these diagrams that a loss of coverage ranging from 11% to 17%, indicated as the shaded area, will result from the proposed yard increase. This loss in rentable floor area is multiplied by the number of floors in the building and becomes a serious consideration to the investor. The decision whether or not to develop a site might easily hinge upon this margin of rentable floor area. Six story buildings on plots of 10,000 sq. ft. and less would be certainly most seriously handicapped by this yard depth increase. Other, taller buildings will also be materially handicapped. In districts with Floor Area Ratios of less than 2.4 the wider yard does not create as serious a problem. Smaller buildings and cheaper land combine to ease the pressure that economic forces have on the tendency to utilize maximum permitted coverage.

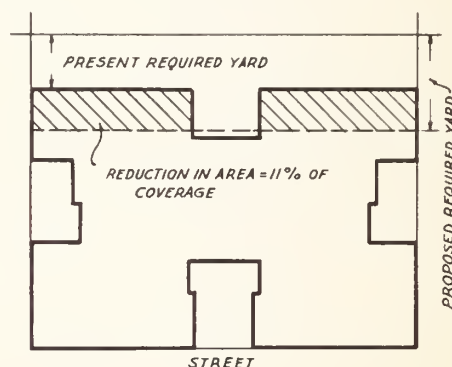


Figure 3.

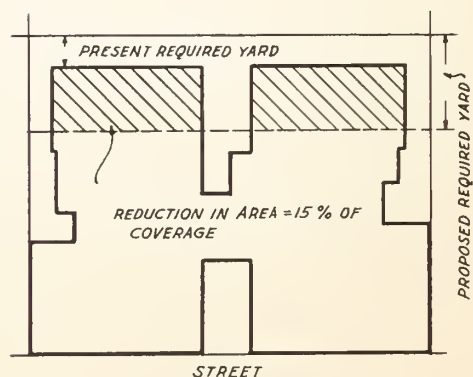


Figure 4.

The broad effect of this increase in yard depth would be to render impractical many popular building plans in common use by investors at the present time. Reduced coverage will discourage and restrict residential construction by private investors as they cannot build enough rentable floor area to justify high land costs. Land owners will in turn suffer losses due to the drop in the demand for land due to less building activity. Eventually this loss would be realized by the City in the form of lost taxes.

Increased yards will not automatically result in better building plans. Cramming the maximum number of rooms on the site area remaining after a 30 ft. yard has been deducted may encourage the planning of dwelling units which are designed rigidly to provide minimum window areas in an effort to achieve sufficient coverage for a good investment. A much more desirable plan from the viewpoint of both the owner and the investor may result from requiring a yard of smaller dimension and continuing the present coverage limitation which has been discontinued in the Proposed regulation. More open space may be provided under the Present regulation than under the Proposed regulation due to the coverage limitation in the former. The space occurs, however, in the form of courts, rather than as a uniform yard.

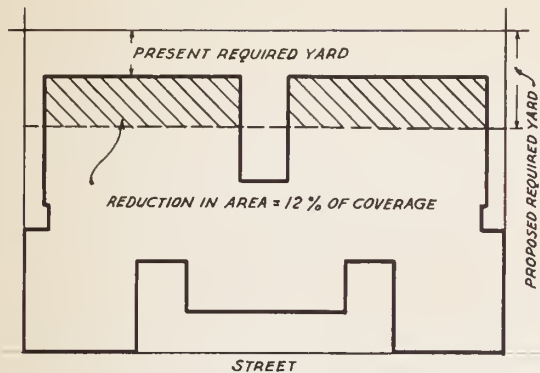


Figure 5.

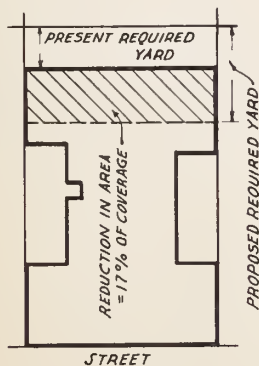


Figure 6.

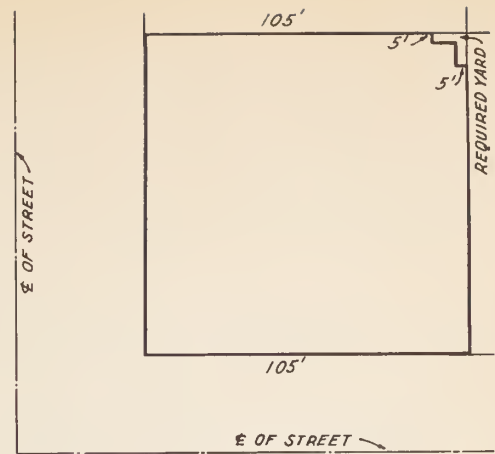


Figure 7. This shows a possible situation under the Proposed Rear Yard Requirements where the required yard is obviously useless.

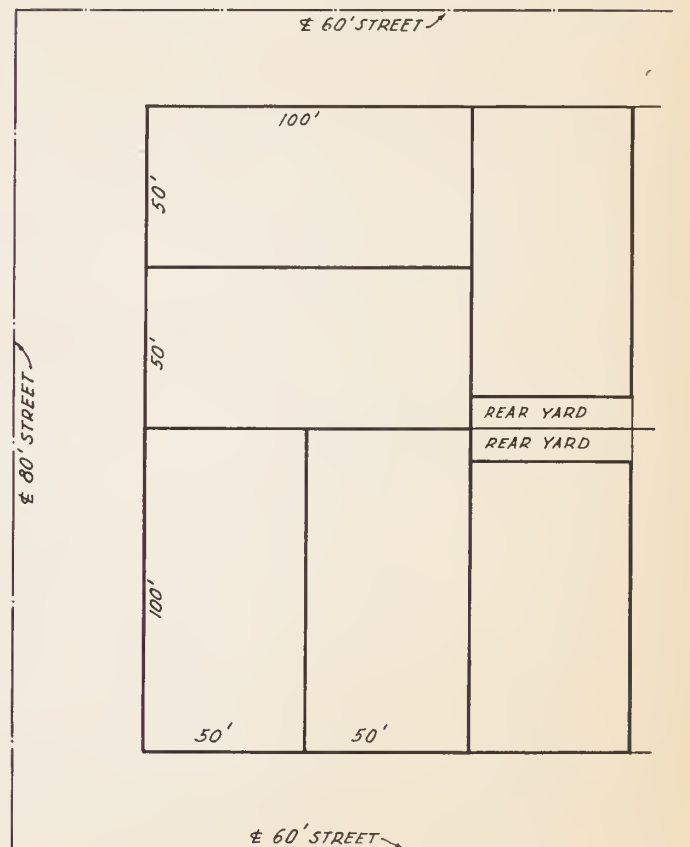


Figure 8. This illustration was provided to aid in interpreting section 323.22 captioned "No Rear Yard Regulations On Corner Lots and Certain Interior Lots" which applies to Commercial Districts, and section 423.20 which refers to the same subject in Manufacturing Districts. The diagram indicates lots which are exempt from yard requirements under the above sections and those in which yards are required.

CONCLUSION

I. The Proposed Rear Yard Requirement in Residence Districts which have a Floor Area Ratio of 2.4 and greater is excessive and will result in great loss to property owners and investors, and eventually to the City in the form of taxes. Promoters of the usual types of buildings of six and more stories will be most seriously affected.

II. Rear yard requirements should be reduced to figures similar to those now required by the Multiple Dwelling Law and coverage figures similar to those used at present should be adapted to provide for adequate open spaces. This would allow far more elasticity in design than an excessively wide, rigid Rear Yard Requirement.

ANGLE OF LIGHT OBSTRUCTION — RESIDENTIAL

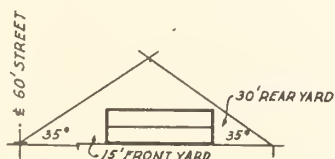
The Proposed Angle of Light Obstruction for Residential Districts is similar to the set-back regulations in the present ordinance. Instead of expressing set-backs as a ratio of height to set-back, an angle which has been derived from a set-back ratio has been used. The choice of an angle in place of a ratio was evidently made in order to facilitate the new principal of averaging.

Averaging the Angle of Light Obstruction has interesting possibilities which, however, due to the limitations placed on this privilege, cannot be realized. Simple building shapes, increased bulk and interior properties and improved light air and sunshine would all be possible on certain properties when the angle is averaged, were it not for the limitation put on averaging.

EXAMPLES — RESIDENCE DISTRICTS

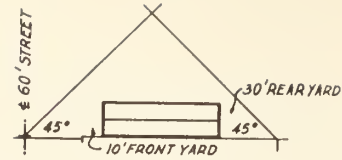
Figures 9 through 15 are examples of the Angle of Light Obstruction as it applies to the various Residential Districts. These studies are typical profile views of interior lots 100 ft. deep. The permitted front and rear Angle of Light Obstruction is shown in relation to other bulk factors such as permitted floor area ratios and required front and rear yards. From the diagrams, it is apparent that in the lower bulk districts the angles have been selected to permit the usual types of buildings customarily found in these districts without requiring any set-backs.

For low coverage, unusually tall buildings in districts RB-1 through RB-5 and for buildings of maximum permitted bulk in districts RB-6 and RB-7, either set-backs or averaging the Angle of Light Obstruction will be required.



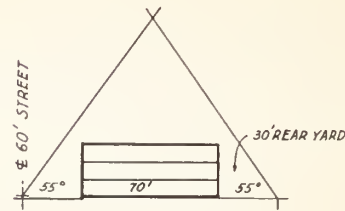
RB-1 F.A.R. = .50
Mapped in Richmond; Bay Ridge, Brooklyn; Bayside, Queens; etc.
Generally single family houses, duplexes, garden apartments.

Figure 9.



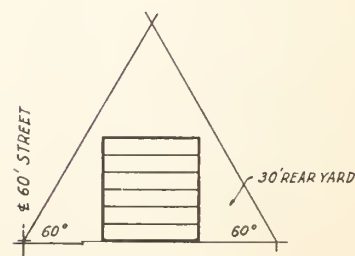
RB-2 F.A.R. = .80
Mapped in Fresh Meadows, Queens; Throggs Neck, Bronx; Marine Park area, Brooklyn; etc.
Generally row houses, garden apartments.

Figure 10.



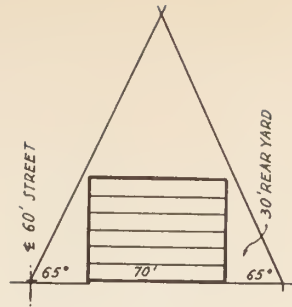
RB-3 F.A.R. = 1.40
Mapped in Astoria, Queens; parts of Brooklyn; etc.
Generally row houses, 2 and 3 story garden apartments, and low coverage 6 story types.

Figure 11.



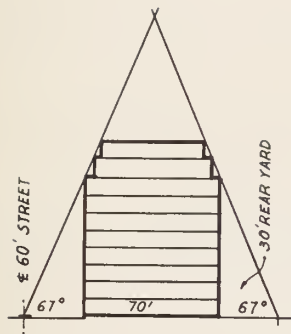
RB-4 F.A.R. = 2.40
Corlears Hook, Manhattan; Long Island City, Queens; Williamsbridge, Bronx; Crown Heights, Brooklyn; etc.
Generally multiple dwellings ranging from 6 to 15 stories with coverages ranging from 15% to 40%.

Figure 12.



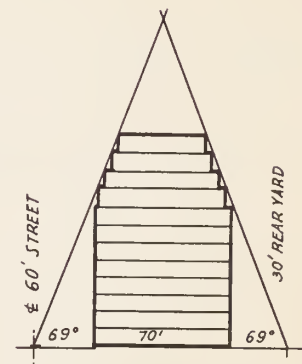
RB-5 **F.A.R. = 3.50**
 Mapped in Forest Hills, Queens; Tremont area
 in the Bronx; Prospect Park, Brooklyn; Harlem,
 Manhattan; etc.
 Generally multiple dwellings of from 6 to 15
 stories with from 25% to 65% coverage.

Figure 13.



RB-6 **F.A.R. = 5.00**
 Mapped in stable high density areas of Man-
 hattan and the Bronx.
 Generally 8 to 10 story structures of up to
 65% coverage.

Figure 14.



RB-7 **F.A.R. = 10.00**
 Central Park area and Park Avenue area in
 Manhattan.
 Generally 8 to 20 story structures, up to 80%
 coverage.

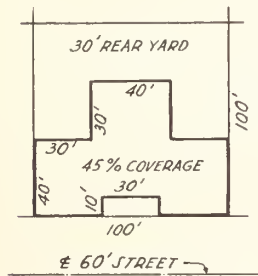
Figure 15.

Figure 16 is an example of a building in District RB-7 which has been planned using the Proposed Bulk Regulations. For the illustration, an interior lot measuring 100 ft. by 100 ft. was chosen, and an attempt was made to adapt a frequently used plan to the site.

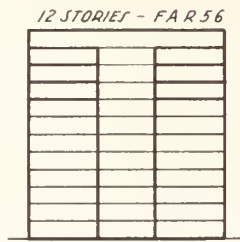
The resulting building has only 49% coverage due to the excessively large required rear yard and the very wide outer courts resulting from applying the wedge far light. This low coverage figure limits the total floor area to an amount which is considerably under the permitted value of 10 and a great deal less than the

ratio of 7 or more which is possible under present zoning. In part the last bulk is due to a lower rear angle of light abstraction than is permitted under the Present Zoning Regulations.

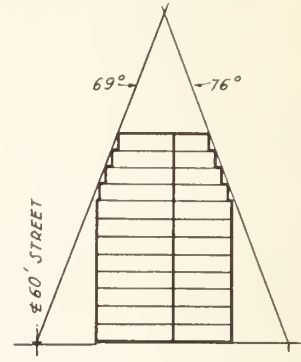
Other floor plans could be devised which would permit more floor area to be obtained under the Proposed Zoning Regulations than this example. However, there is no reason why tried and proven plans in common use by investors should not be permitted. The majority of the plans now being used in the higher bulk districts cannot be used under the Proposed Bulk Regulations.



plan

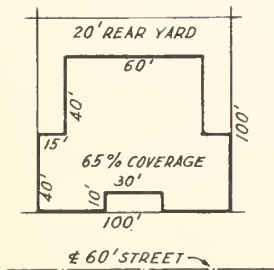


front

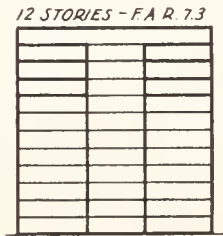


side

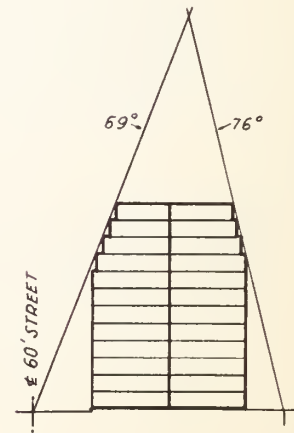
Figure 16.



plan



front



side

Figure 17.

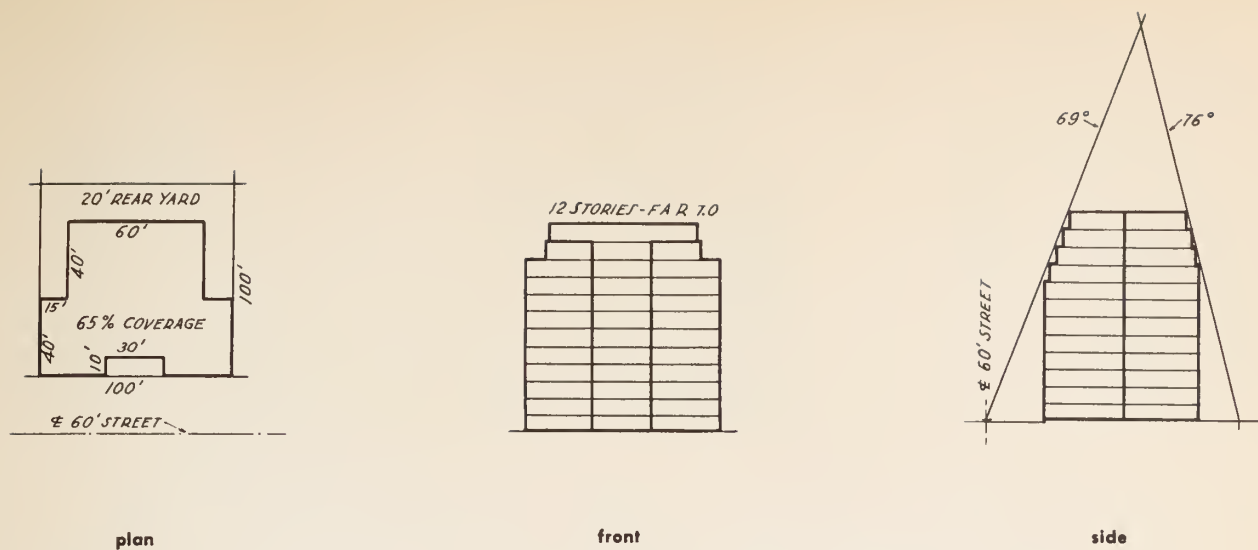


Figure 18.

Figure 17 is a modification of the previous example in which some recommended adjustments to the Proposed Bulk Regulations have been incorporated. The following changes have been incorporated in this study:

- (1) Rear yard has been reduced to 20 ft.
- (2) Area for light access has been adjusted to permit deeper wider courts.
- (3) Rear light angle has been increased to 76°, as permitted on corner lots.

When the Multiple Dwelling Law requirements are applied to the previous example, modifications as shown in Figure 18 must be made.

With the adoption of the Proposed Zoning Ordinance in a revised form, it would be reasonable and advisable to discontinue those provisions of the Multiple Dwelling Law which control the exteriors of residential buildings. The Proposed Ordinance accomplishes this objective, and having two different sets of regulations controlling the same things is pointless and confusing.

The interiors of residences should, of course, continue under control of the Multiple Dwelling Law as this subject is not covered by zoning.

AVERAGING THE ANGLE OF LIGHT OBSTRUCTION

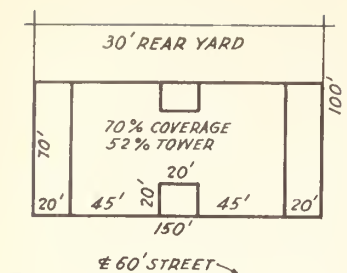
Averaging the Angle of Light Obstruction replaces the present dormer and tower provisions. For buildings above seven stories in

Districts RB-5 and RB-6 and for all buildings in RB-7 for which the maximum bulk is desired, averaging the angle may be necessary. However, there are three proposed restrictions on averaging the Angle of Light Obstruction which tend to defeat the purpose for which the device was created. These are:

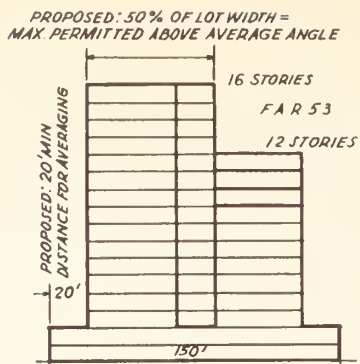
- (1) The limitation of 20 ft. over which the minimum angle may be averaged for the purpose of computing the average angle;
- (2) The provision which limits the width of a building which may rise above the permitted maximum angle of light obstruction to one-half of the street frontage of the property;
- (3) The limitation on the maximum distance over which the average Angle of Light Obstruction may be computed.

In Figure 19 is an example of a multiple dwelling in District RB-7. An attempt has been made to apply the principle of averaging the Angle of Light Obstruction. The site is an interior lot on a 60 ft. street which is 100 ft. deep and has a frontage of 150 ft.

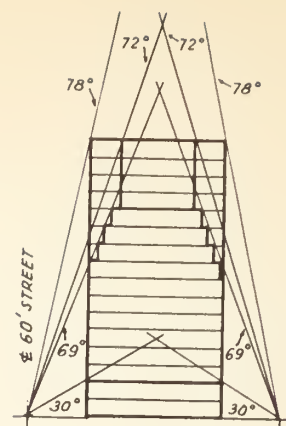
Due to the excessive yard requirements, the excessive side yards which are required indirectly by the limitation of 20 ft. as the minimum distance over which angles less than the average may be computed, and the limitation on the distance over which a building may rise above the permitted Angle of Light Obstruction, the principle of averaging the Angle of Light Obstruction is rendered ineffectual. This is evidenced by the relatively low coverage figure of 52% for the principal floors and the very impractical, small area of the top floors. There is no incentive to construct buildings of this type; an adjustment in the bulk regulations is necessary to permit reasonable construction.



plan

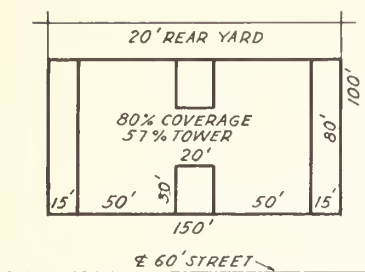


front

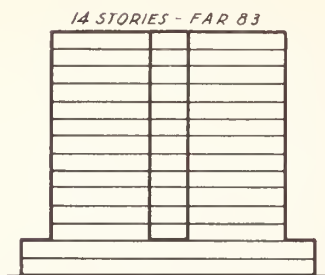


side

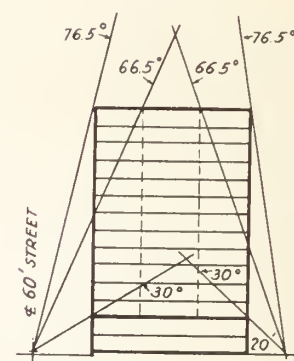
Figure 19.



plan



front



side

Figure 20.

If the Proposed Residential Bulk Regulations are modified, attractive and practical buildings can be constructed. Figure 20 is an example of a building constructed according to the Proposed Bulk Regulations which have been modified to the following degree:

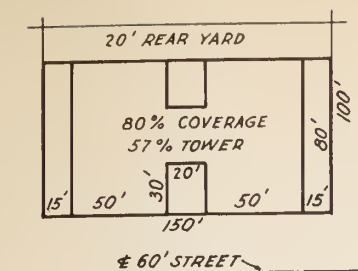
- (1) Required rear yard has been reduced to 20 ft.
- (2) Minimum distance over which angles less than the average may be computed has been reduced to 15 ft.
- (3) The rear Angle of Light Obstruction has been increased from 68° to 76° as permitted on corners.
- (4) Limit on width of building which may rise above the overage

angle has been removed.

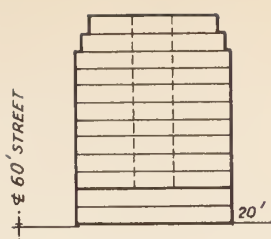
- (5) Adjustment to the Area for Light Access has been made to permit legal windows to occur around the entire perimeter of the building.

The resulting building has the advantages claimed for the new Bulk Regulations, increased amount of class "A" floor area, simple building shape, improved light and air to the tenants, and better light and air to the neighborhood.

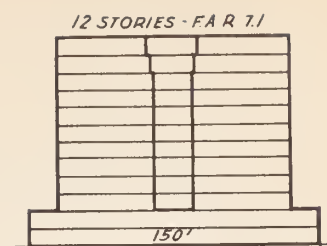
Figure 21 reveals the effect that the Multiple Dwelling Law will have on the previous example. This law should be revised so as to apply only to the interiors of multiple dwellings.



plan



front



side

Figure 21.

CONCLUSION

In order to permit the attractive possibilities of averaging the Angle of Light Obstruction to be realized, the following adjustments must be made to the regulations:

(1) The minimum distance over which angles which are less than the average angle may be computed must be decreased from 20 ft. to 15 ft.

(2) The limit on the width of a building which may rise above the permitted Angle of Light Obstruction must be removed.

(3) The distance over which the Angle of Light Obstruction may be computed must be increased from $1\frac{1}{2}$ up to 2 x the street width.

(4) The rear Angle of Light Obstruction must be increased in districts RB-6 and RB-7 to 76° for all lots.

Without the above adjustments, the Proposed Angle of Light Obstruction would materially contribute, together with other bulk control devices proposed, to greatly reduced permitted floor areas. On interior lots in the highest bulk residential districts this reduction in permitted floor area will be serious enough to cause great loss to investors and property owners, loss of new housing for the public, and eventually, loss of taxes to the City.

ANGLE OF LIGHT OBSTRUCTION COMMERCIAL AND MANUFACTURING

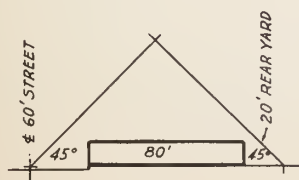
The Proposed Angle of Light Obstruction for Commercial and Manufacturing Districts is derived from the set-back regulations in the Present Zoning Resolution. As noted in the discussion of this control as it applies to residences, a set-back is expressed as an angle rather than as a ratio, and averaging the angle is permitted.

In the lower bulk districts, the permitted Angle of Light Obstruction has been selected to permit the usual types of buildings to be constructed without requiring set-backs or averaging the angle.

In the higher bulk districts when the object is to obtain the maximum floor area permitted either set-backs or averaging the Angle of Light Obstruction will be required.

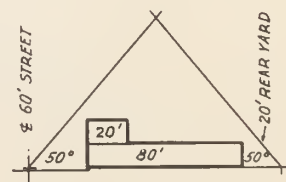
EXAMPLES — COMMERCIAL DISTRICTS

Examples of the various bulk combinations in Commercial and Manufacturing Districts are shown below as Figures 22 through 33. These studies are typical profile views of lots 100 ft. deep which show the relationships of the various bulk control factors such as Permitted Floor Area Ratio, Permitted Front and Rear Angle of Light Obstruction, and Required Rear Yard. In those cases where two or more districts have identical requirements for the above bulk controls, only one diagram has been drawn.



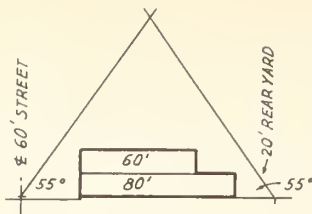
CD-1 F.A.R. = .80
Mapped in parts of Coney Island, Brooklyn; Boston Road, Bronx; Northern Boulevard, Queens; Forest Avenue, Richmond; etc. Generally along outlying traffic arteries.

Figure 22.



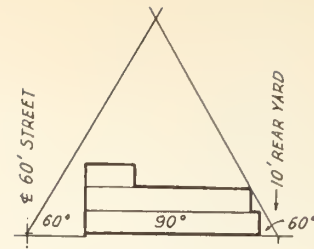
CB-1 F.A.R. = 1.00
Mapped in Stapleton, Richmond; Whitestone, Queens; etc. Generally retail shopping in outlying areas.

Figure 23.



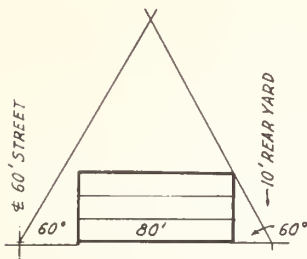
CB-2, CD-2, CM-1 F.A.R. = 1.40
 CB-2 — Generally shopping areas.
 CD-2 — Mapped along highways.
 CM-1 — Along streets with elevated structures.

Figure 24.



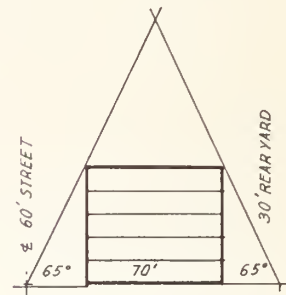
MB-1, MC-1 F.A.R. = 2.00
 MB-1 — General manufacturing
 MC-1 — Heavy industry.

Figure 25.



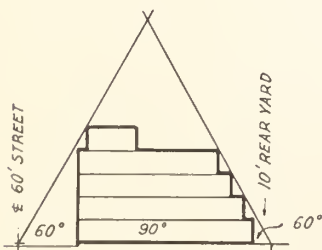
CB-3, CC F.A.R. = 2.40
 CB-3 — Older built up areas.
 CC — Commercial amusement areas (Coney Island).

Figure 26.



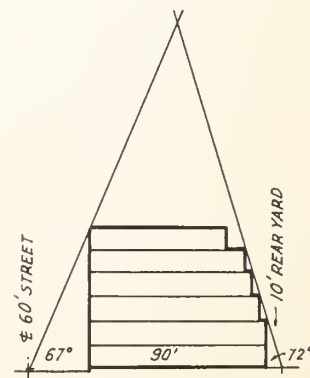
CA-1 F.A.R. = 3.50
 This district is for upper Madison Avenue and permits residences with an F.A.R. of 10.

Figure 27.



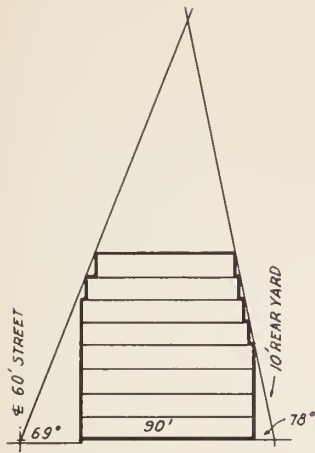
CM-2 F.A.R. = 3.5
 This district permits all uses except residential.

Figure 28.



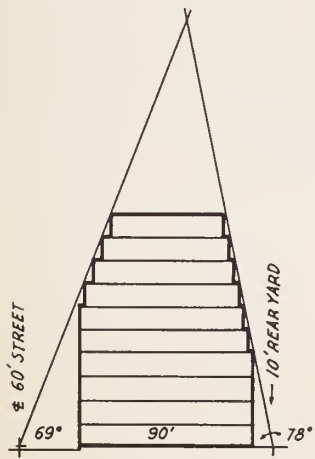
CB-4, CD-3, MB-2, MC-2, MD F.A.R. = 5.00
 CB-4 — Outlying business areas.
 CD-3 — Built up areas in Manhattan and Brooklyn.
 MB-2 — General manufacturing.
 MC-2 — Heavy industry.
 MD — All uses including obnoxious and dangerous.

Figure 29.



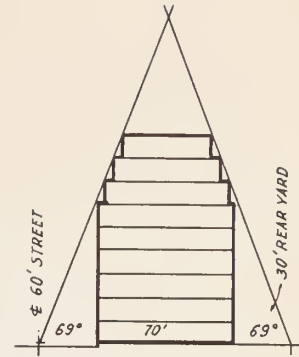
MB-3, MC-3 F.A.R. = 7.00
 MB-3 — General manufacturing.
 MC-3 — Heavy industry.

Figure 30.



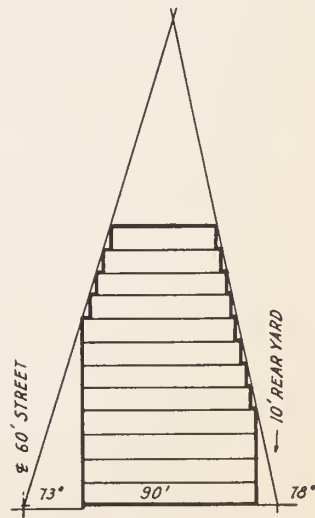
CA-3, CB-5, CB-6, MA-1 F.A.R. = 10.00
 CA-3 — Midtown Manhattan and near the Civic Center, Brooklyn.
 CB-5 — Midtown and Downtown Manhattan.
 CB-6 — Times Square, Manhattan.
 MA-1 — Light manufacturing Garment Center, etc.

Figure 32.



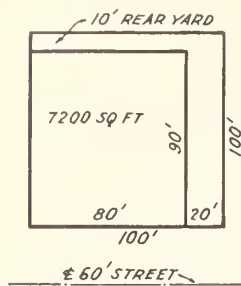
CA-2 F.A.R. = 10.00
 High bulk grand central area.

Figure 31.

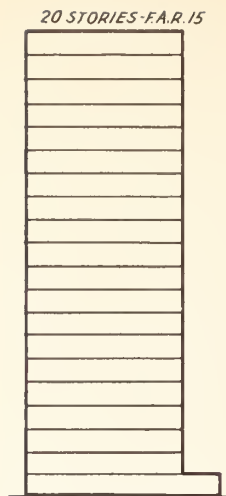


CA-4, MA-2 F.A.R. = 15.00
 CA-4 — Grand Central and Wall Street areas.
 MA-2 — Light manufacturing Garment Center.

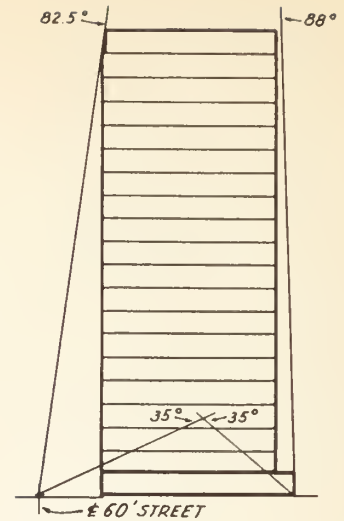
Figure 33.



plan



front



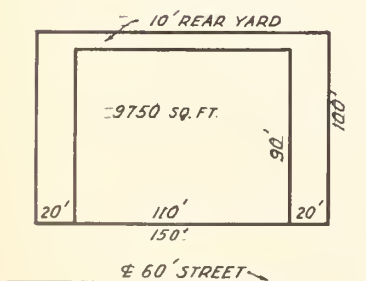
side

Figure 34.

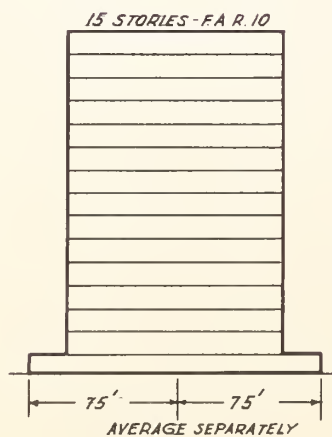
AVERAGING THE ANGLE OF LIGHT OBSTRUCTION

Figure 34 is an example of a loft type building in a CA-4 or MA-2 district on a 60 ft. street. The advantage of averaging the Angle

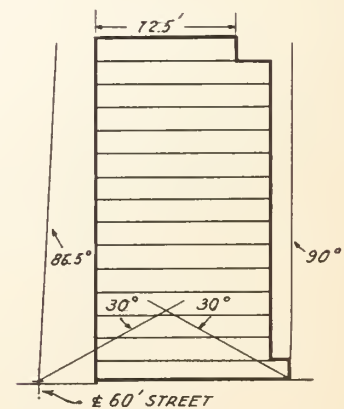
of Light Obstruction is apparent. Although the building shown is on a 100 ft. x 100 ft. lot, it is possible to develop the full permitted Floor Area Ratio of 15. This amount of floor area could not be built upon a property of this size under Present Zoning.



plan



front



side

In Figure 35 is indicated the method of obtaining the maximum bulk on a lot 100 ft. deep with 150 ft. frontage on a 60 ft. street in an MA-1 district. By computing the average Angle of Light Obstruction

in two sections from the centerline of the largest building mass toward both side property lines, the Permitted Floor Area Ratio of 10 can be obtained.

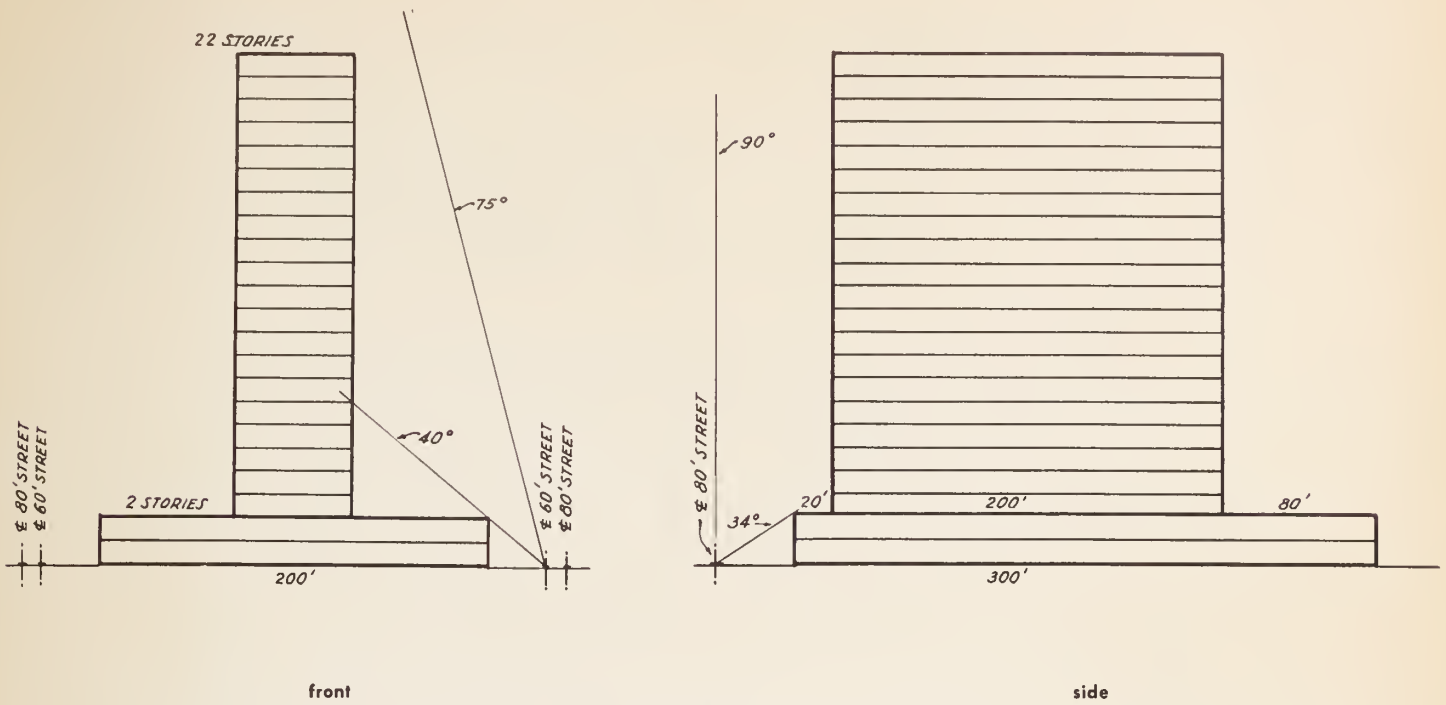
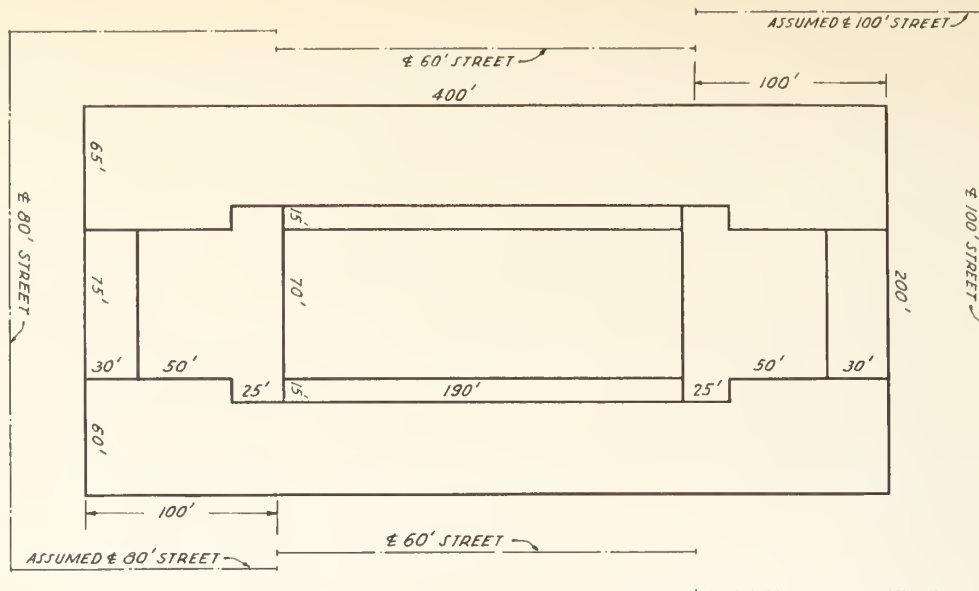


Figure 36.

Figure 36 is an example of an office building type of structure which has been placed upon a 200 ft. x 300 ft. lot in a CA-2 district. The building shape shown is only one of a great variety of

possible shapes which may range from low full coverage buildings to tall slender structures whose height is limited only by Floor Area Ratio.



plan

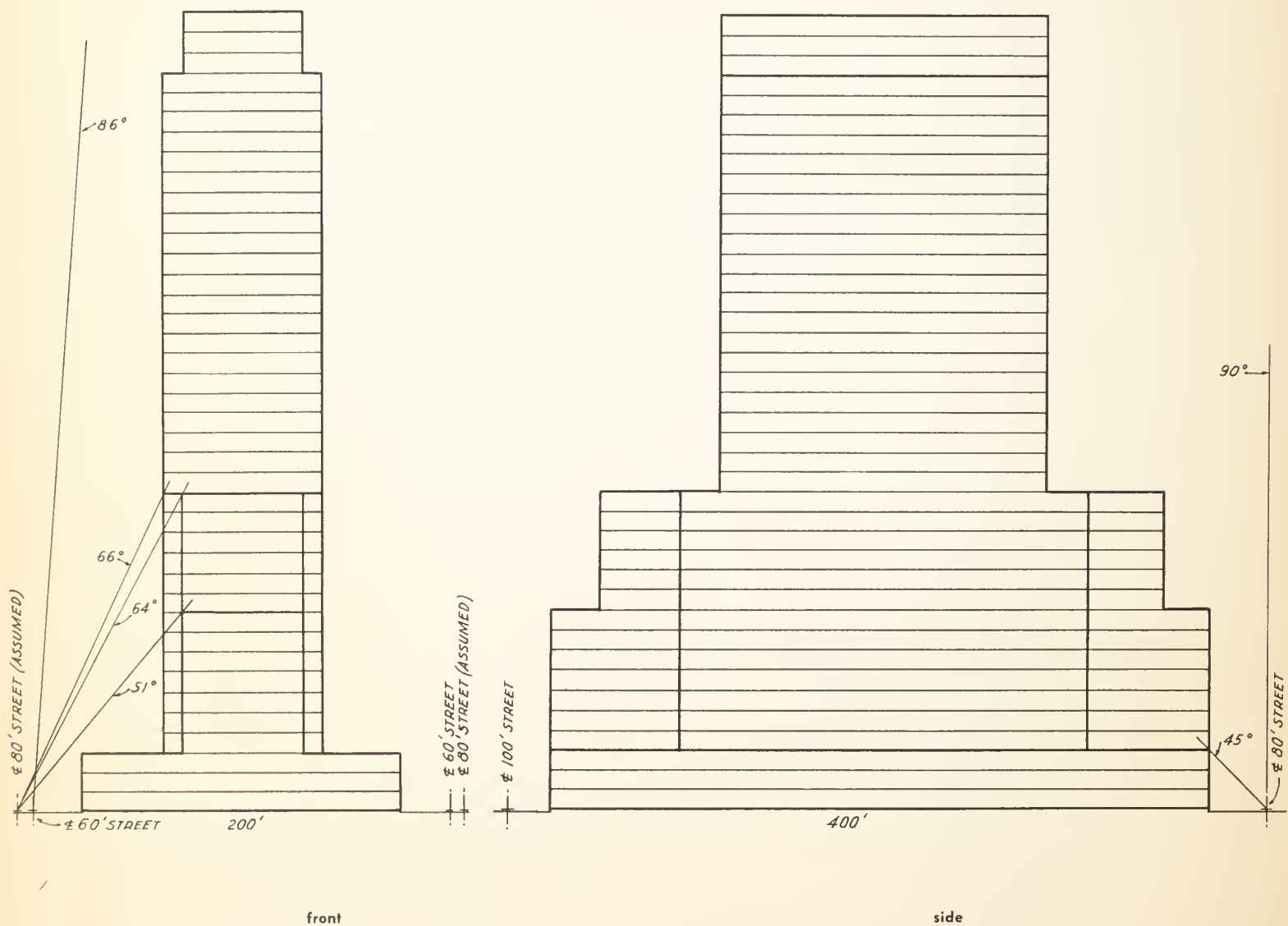


Figure 37.

In the highest bulk districts, CA-4 and MA-2, there is no limit on the distance over which the Angle of Light Obstruction may be averaged. The result of this freedom is to permit a wider choice of building shapes than is possible under present zoning. Figure 37 is a building that could be built under either Present or Proposed Zoning Regulations.

CONCLUSION

In Commercial and Manufacturing Districts the Angle of Light Obstruction is a progressive and useful regulation which gives promise of permitting and encouraging the construction of new building forms which are more economical, more useful, and more attractive than those under the Present regulation.

The maximum permitted distance over which the Angle of Light Obstruction may be averaged should be increased from 2 up to 3 x the street width for all Commercial and Manufacturing Districts except districts CA-4 and MA-2. In the latter two districts the proposed "no limit" on this distance should be continued.

UNITS OF LIGHT ACCESS

In general the method for proportioning courts for residences by means of requiring an open area adjacent to legally required windows appears to have advantages over the system of proportioning courts by dimension. These advantages are evident when the system is applied to sites containing two or more buildings, and when planning results in courts which may contain only one or a few windows. In the former case when there are several buildings on a site courts as such lose their identity and it is simple and convenient to concern the Planner only with required windows. In the latter case, it has always seemed unreasonable to regulate a court which has only one or two windows. Having to check only required windows should free the Planner from some unreasonable restrictions.

The Proposed requirements for Light Access Units, however, are excessive to the point of prohibiting many plans which are now popular with investors. The familiar outer courts on side lot lines, inner courts on side lot lines and inner courts in other locations simply could not be built as they are at present.

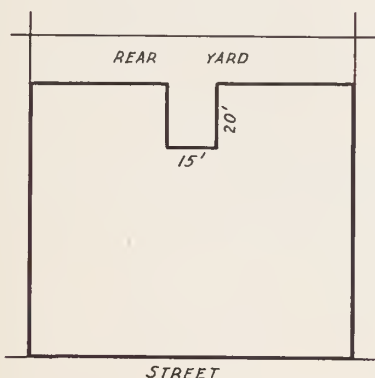


Figure 38. Outer Court as permitted by Multiple Dwelling Law.

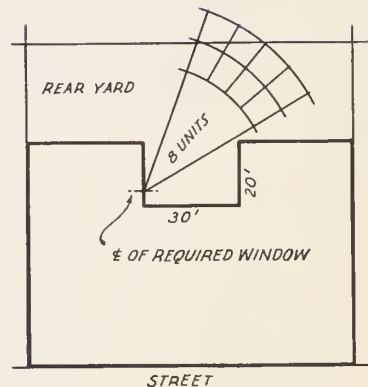


Figure 39. Outer Court as permitted by Proposed Zoning.

In Figures 38 and 39 the minimum outer court permitted by the Multiple Dwelling Law is contrasted with a court of similar depth as permitted in the Proposed Ordinance. The Proposed court is nearly twice as large as that permitted by the Multiple Dwelling

Law and has the disastrous effect on the building plan of substantially reducing coverage, and of reducing the possible variety of plan arrangements.

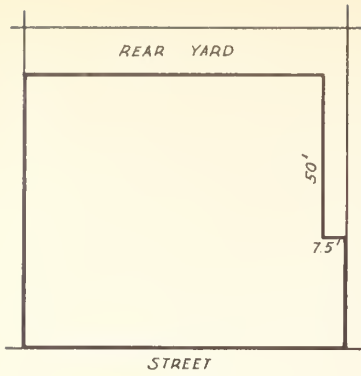


Figure 40. Permitted by Multiple Dwelling Law.

Inner courts on side lot lines would be increased more than nine times the area of this same type of court as permitted by the Multiple Dwelling Law. (See Figures 42 and 43.) Only large buildings on very large properties could ever make use of these courts under the Proposed Zoning. No plans for six story buildings on properties with around 10,000 sq. ft. or less can utilize this device under the Proposed regulation.

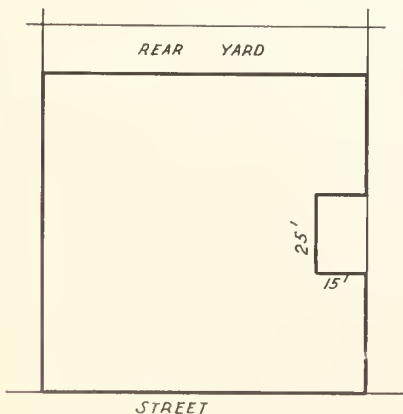


Figure 42. Permitted by Multiple Dwelling Law.

Figures 40 and 41 contrast outer courts as permitted on side lot lines according to the Multiple Dwelling Law with a court of similar depth as permitted by the Proposed Zoning. In this case the Proposed court is more than six times larger than that permitted by the Multiple Dwelling Law. To all practical purposes, this planning device has been destroyed and if it were adapted as proposed many proven and frequently used schemes for buildings of six stories and more in height would be impossible.

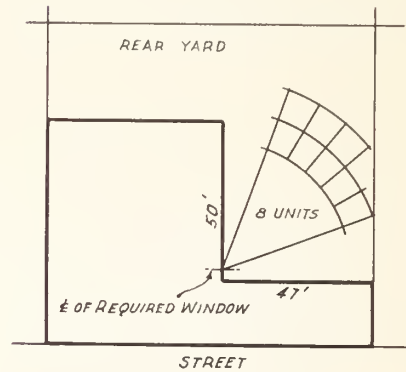


Figure 41. Permitted by Proposed Zoning.

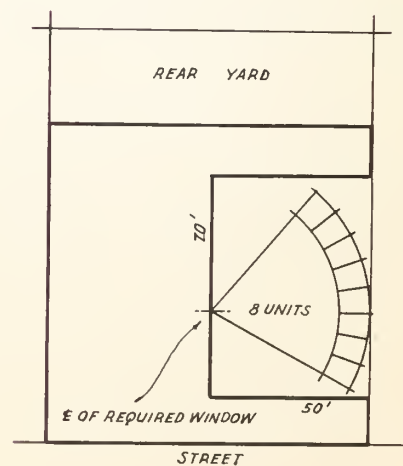


Figure 43. Permitted by Proposed Zoning.

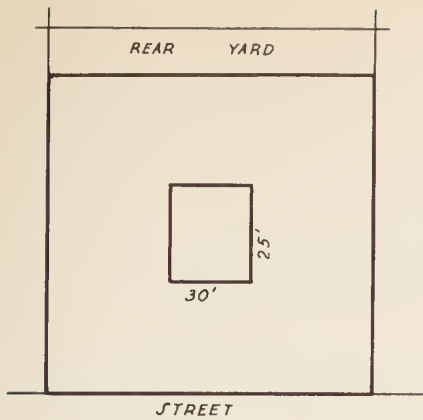


Figure 44. Permitted by Multiple Dwelling Law.

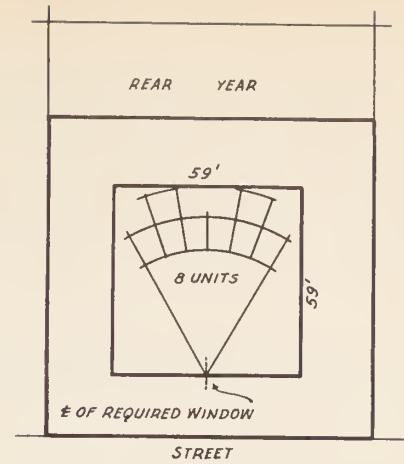


Figure 45. Permitted by Proposed Zoning.

The same comment applies to inner courts which are not on side lot lines. In this instance, Figures 44 and 45, they would be eight times greater in area than those permitted by the Multiple Dwelling Law, and it is impossible to use them for planning any except the very large multiple dwellings.

In the low-bulk Residence B Districts a considerable number of one and two-family detached houses will be constructed. Section 226.10 states that the Area for Light Access is not required to be used for legally required windows in single-family residences. That is as it should be. The required side yard is sufficient to provide the necessary light and air. By inference, however, a two-family house is

required to use the "wedge for light" in spite of the fact that 8-foot side yards are required. This would mean that a two-family house would be required to provide ridiculously wide side yards to take care of any legally required side windows. This is shown in Figure 46.

Section 223.31 requires two 8-foot side yards for all buildings except detached single-family residences. There should be some point arrived at where the use of the Area for Light Access becomes reasonably necessary. Certainly it is not necessary for detached one-, two-, or three-family residences. This should be restudied.

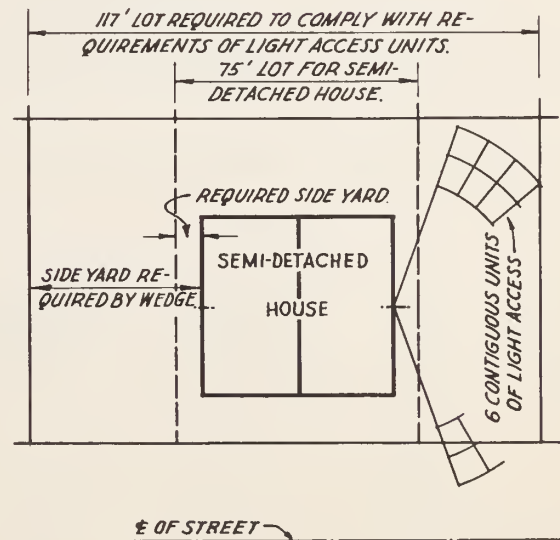


Figure 46. This illustrates the unreasonable side yards required when the Area for Light Access is applied to a semi-detached house.

CONCLUSION

I. In its present form, the Area for Light Access, as required for residences, is excessive to the point of being unworkable. The Proposed value of the light access units must be adjusted in a manner which will permit residential buildings to be constructed which are basically similar to those which are at present permitted under the Multiple Dwelling Law.

II. Adjustment to the Area for Light Access can be made by:
(a) increasing the angle of the area in which light access units can be measured,

(b) decreasing in dimension the radii which describe these units,

(c) adjusting the required number and the contiguous requirement of the units.

It is felt that this device could be given added merit by reducing the number of units to, perhaps, 2 and making the units larger in area.

The specialized knowledge of those familiar with these building types should be consulted in making these adjustments. It may be wise to follow the scheme of the Multiple Dwelling Law in dividing requirements which apply to buildings over and buildings under 90 ft. high.

The provision for measuring light access units in a neighbor's yard is unrealistic. It would be much more logical to design the device so that light units could be found within each owner's property.

UNITS OF LIGHT ACCESS
COMMERCIAL AND MANUFACTURING
DISTRICTS

In Commercial and Manufacturing Districts the Area for Light Access need only be applied to required windows in those rooms

which are inadequately lighted and ventilated. Increasing use of ventilation in buildings which house commercial and manufacturing uses would indicate only an occasional need for applying the Area for Light Access to these types of buildings as a means of proportioning courts on which required windows are to occur. This control, therefore, is of relatively minor importance in the Commercial and Manufacturing Districts.

The comment on the Area for Light Access in these districts would be similar to that made on the device as it applies to residential buildings:

(a) the angle of the area in which light access units can be measured should be increased,

(b) the length of the radii which describe the units should be reduced to permit measuring entirely within a property or public open space.

(c) the device should be simplified, enlarging the units and decreasing the number required.

USABLE OPEN SPACE

The inclusion in a zoning resolution of regulations for the provisions of usable open space to be used for recreational purposes by the tenants is, in our opinion, of questionable legality.

A careful study was made of the proposed detailed requirements for usable open space in the RB Districts. The results of the study are set forth below:—

We have based the study on three kinds of lots:
Corner lot;
Interior lot;
Through lot.

Standard size of a single lot was assumed to be 100 ft. x 100 ft. or 10,000 sq. ft.

Computations were made on the basis of 900 sq. ft. as the size of a dwelling unit.

DISTRICT	LOT SIZE (SQ. FT.)	REQUIRED USABLE OPEN SPACE	BALANCE NOT AVAILABLE ON LOT
RB-1	10,000	3,000	----
	20,000	6,000	----
RB-2	10,000	3,600	600
	20,000	7,200	1,200
RB-3	10,000	3,200	200
	20,000	6,400	400
RB-4	10,000	3,375	375
	20,000	6,750	750
RB-5	10,000	3,900	900
	20,000	7,800	1,800
RB-6	10,000	4,200	1,200
	20,000	8,400	2,400

NOTES:

(1) Usable Open Space may not be provided on roofs or balconies in the RB-1, RB-2 and RB-3 districts; nor may usable open space be counted where off-street parking is provided — either open or enclosed. When the total requirement cannot be met at ground level in these districts, the lot must be enlarged or the building made smaller. The minimum permitted width for usable open space is 18 ft. if the building has a total floor area of less than 4,200 sq. ft.; if 4,200 sq. ft. or more, the minimum dimension is 30 ft. Side or front yards of present required widths cannot, therefore, be included in the computations.

In the RB-4 and RB-5 and RB-6 districts, if seven or more dwelling units are to be served the minimum permitted dimension of ground level Usable Open Space is 30 ft. None of the required space could be provided in any courts or yards, except the 30 ft. rear yard. Space not provided in the rear yard in these high density areas would have to be provided on roofs and balconies and must be constructed and maintained to the satisfaction of the Commissioner of Housing and Buildings in a "structurally safe and adequately surfaced and protected" condition. (Section 780.10.) Just what this means is not stated.

On Page 53 of the General Report on the Plan for Rezoning New York City we find the following statement regarding the requirements for Usable Open Space in the high density areas:

✓ "It is also recognized that usable roofs may create management

problems. It is intended that balcony or roof space need not be used under typical circumstances, and the quantitative requirements in the high density districts are so graded that they can be met in yard space at ground level with normal development schemes."

It is possible that in the planning of large housing developments the Usable Open Space requirements could be met but we have found the above quotation to be untrue for the smaller lots.

(2) Space used for off-street parking cannot be counted as Usable Open Space. If parking is not provided within the main building the figures shown in the table under the heading "Balance Not Available on Lot" would be considerably increased. The above table shows that if 900 sq. ft. is assumed as equaling one dwelling unit — which is generous — in every Residence District, a considerable amount of Required Usable Open Space would have to be provided on the roof, with the exception of the RB-1 District. The table is based upon the assumption that the proposed requirement for a 30 ft. rear yard is satisfactory, which it is not.

As the minimum permissible width for Usable Open Space is 30 ft. in the higher bulk areas, if the rear yard requirement for Multiple Dwellings is reduced to 20 ft. — which should be done and none can be provided in the side yards — then **all** Required Open Space would have to be provided on the roof or on balconies — in many cases a double-decked roof would be the only solution. This entire idea should be omitted.

ARTICLE 8 NON-CONFORMING USES

SECTIONS 821 AND 824. CHANGE OF USE

The proposal for changing from one non-conforming use to another is based on the principle — a sound one — of not permitting a non-conforming use to be replaced by one more harmful to the immediate neighborhood. Only change to a less harmful use, that is, in the direction of decreasing non-conformity, would be allowed under the Proposed Resolution. Moreover, only one or two successive changes would be permitted for any use; beyond this, any additional change of use would have to entail complete elimination of non-conformity.

This proposal seems unduly strict in that it would prohibit a change from one non-conforming use to another in the same class of non-conformity. While it is reasonable to prohibit any increase in non-conformity, it seems unreasonable to insist that any change be only in the direction of a decrease, thereby ruling out changes on the same level of non-conformity which by definition could prove no more harmful to the neighborhood than the existing use in question. Also unreasonable is the limiting of successive changes

in a non-conforming use to one or two. It is believed that the number of such changes should not be limited in this manner.

SECTION 874. ELIMINATION OF NON-CONFORMING MANUFACTURING AND INDUSTRIAL USES IN RESIDENCE DISTRICTS

It is proposed to terminate, after a stated period of years, non-conforming manufacturing and industrial uses, the assessed value of which exceeds \$500. Some other cities in the country have adopted such retroactive zoning regulations, but none of them has actually attempted to enforce them. Such action can become tremendously involved because of new machinery, new additions to buildings or new products. It becomes more and more difficult to say just when the factory was established and just how old it actually is.

These retroactive provisions are of very questionable legality and should be omitted.

✓
Richard Roth

ARTICLE 10 ACCESSORY OFF-STREET PARKING SPACES

RESIDENCE DISTRICTS

The problem of off-street parking requirements in Residence Districts is a fairly new subject which, because of the many and varied factors involved, is complicated and difficult. This is reflected in the complex and lengthy manner in which it is presented in the Proposed Resolution.

In the lower-bulk areas where land is comparatively inexpensive, the off-street parking problems are far less involved. The areas of highest bulk, however, do not offer the advantage of being able to provide open parking on the lot. In the RB-5, RB-6 and RB-7 Districts, and in many locations in the RB-4 District, all off-street parking must be provided under the required yards and under the building itself; sometimes, even on the ground floor of the building. This, obviously, requires considerable sacrifice of basement space that would otherwise be used for such things as heating units, incinerators, shops and storage.

Because of the necessity for detailed studies to determine the effect of the Proposed requirements for off-street parking upon multiple dwelling design in these high-bulk districts, it was considered advisable to enlist the services of a qualified housing expert who would be familiar with every detail of multiple dwelling design and requirement.

Mr. Richard Roth of the architectural firm of Emery Roth and Sons agreed to assist with this problem. Mr. Roth's very generous contribution of his time and experienced judgment has made possible the following detailed report on required off-street parking in Residence Districts.

The chart which follows lists a selection of examples of existing residential buildings located in those districts where required parking may be most difficult, physically and economically, to provide. The table gives the number of rooms per dwelling unit, the character of the dwelling units, the dimensions of the plot and its area, the number of dwelling units, the minimum number of car spaces required by the Proposed Resolution and the amount of space necessary to store the number of cars required.

Mr. Roth, in his report, offers convincing proof of the fact that attended storage of less than 60 cars is economically unsound even when high rentals for car storage may be anticipated. With comparatively low storage rentals proportionately more car spaces would be necessary to pay the costs involved, particularly the cost

of providing attendants. Below is an excerpt from Mr. Roth's report which analyzes this problem.

"Research and consultation with clients has definitely indicated and proven that car storage space for less than 60 cars is a losing proposition. A breakdown of the cost of running such a garage proves that even on this size space there is a very insufficient return on the investment.

"The very minimum required manpower would consist of four attendants for twenty-four-hour service, plus a supervisor. If the lowest feasible wages are figured, that is, \$60.00 per week per attendant and \$75.00 for the manager, the payroll per week is \$315.00, or \$16,380.00 per year. Heat, supplies, repairs, light, power etc., cannot possibly cost less than \$5,000.00 per year. If the space is rented, or if the owner himself is managing the garage, rental is either \$5,000.00 a year, or interest and amortization on construction costs could easily amount to that sum. Therefore, the minimum total expense per year is \$26,380.00. If it is estimated that garage space rents at the medium rate of \$40.00 per month, and the full capacity is constantly utilized (it probably would not be, particularly in the summertime), the rental income per year is \$28,800.00, or a total profit per year, before taxes, of \$2,420.00."

An unattended off-street parking area that is rented could — and in all probability would — be a source of constant trouble and bad landlord-tenant relationships. Experience has shown that unless an attendant is present, car owners will park in spaces assigned to others, unauthorized outsiders will use the facilities, and tenants will carelessly park so that adjacent spaces assigned to others are blocked.

It is not reasonable to require an owner to provide parking area upon which he will consistently lose money. In light of the above calculation which shows that the minimum number of cars required to be parked off-street should be not less than 60, the next step is to determine the minimum lot size required. This is the only basis upon which fair minimum requirements can be determined.

The Proposed Resolution requires that parking be provided if the lot has an area of 10,000 sq. ft. or more. The minimum economic unit of 60 cars could not possibly be housed on a lot of 10,000 sq. ft. Again quoting from Mr. Roth's report:

"Minimum cellar and first floor space requirements make a general breakdown as follows:

garage space on 1st floor

Cellar Calculations

Boiler Room	600 sq. ft.
Incinerator, etc.	150 " "
Laundry	800 " "
Supt. Shop	200 " "
Bldg. Storage	300 " "
Tenant Storage (80' x 25')	2,000 " "
Exterior Walls	400 " "
Elevators (2)	150 " "
Stairs	250 " "
Service to Bldg.	450 " "
Ramp (10' x 70')	700 " "
TOTAL	6,000 sq. ft.

"On a plot 10,000 sq. ft. in area, that would leave 4,000 sq. ft. of space for the garage in the cellar. Since 250 sq. ft. has to be figured per car, that means there would be room to store only 16 cars in the cellar, and space would have to be taken from the first floor if a garage for, say, only 50 cars were required. (The maximum number of cars that may use only one ramp is 50, according to the Proposal. This should be raised to 60.)

"Absolute minimum space requirements for facilities on the first floor break down as follows:

Stairs	250 sq. ft.
Elevators (2)	150 " "
Exterior Walls	400 " "
Lobby Exits	800 " "
Ramp	700 " "
Supt.'s Apt.	900 " "
TOTAL	3,200 sq. ft.

"In order to house the remaining 34 cars at 250 sq. ft. of space per car, 8500 sq. ft. is needed. Simple arithmetic shows that 3200 plus 8500 equals 11,700 sq. ft., which is 1,700 sq. ft. in excess of the 10,000 sq. ft. available."

To construct another ramp to the second floor to house 7 more cars is obviously nonsensical.

Parking cars on the lobby floor is not only physically difficult, but extremely expensive, not only in actual cost of construction, but it would mean using space that would otherwise be rented for dentists and doctors' offices, or, in any event, for apartments.

All required parking in the high-bulk districts, if provided on the lot, should be underground. This would require the sacrifice of frontage only to provide for the ramp.

On this basis, 60 times 250 equals 15,000 sq. ft., which should be the absolute minimum size of lot for which off-street parking is required in the high-bulk Residence Districts.

There are any number of problems as far as parking is concerned that will beset the builder of future multiple dwellings. There will be cases, particularly in buildings designed to contain many small low-cost apartments which will attract tenants who cannot afford cars, or, having them, cannot afford garage rents. A somewhat similar problem will face the builder whose building is in a neighborhood convenient to commercial garages.

Architectural difficulties also will not be uncommon. Mr. Roth makes the following observation on this point:

"Another item to be considered is that apartment houses are built primarily for apartments, and that column layouts are made for the economy of the building as a whole, with only minor consideration being given to economical garage column space. Offsetting of columns to create good garaging is very expensive and often impossible due to the depth of the girders created. It is easily conceivable that apartment houses in which room sizes are minimum would not layout for car storage space at all."

Fortunately, an owner may go to the Board of Standards and Appeals for relief in unusually difficult cases.

The limitation on the maximum amount of off-street parking that an owner may install is of questionable value. It is difficult in every way for the smaller buildings to provide attended parking, and it would be of great benefit to all concerned if the larger buildings are permitted, if not encouraged, to supply the demand for not only their own but for smaller, neighboring buildings as well.

This would relieve the problem of inadequate parking facilities without undue hardship to small property owners, and in a way that would be feasible economically. To encourage this the amount of permitted parking should be considerably increased, and the restriction on rental to non-occupants should be removed or, at any rate, greatly increased above the recommended 25% of the total number of spaces.

Curb cuts for large parking areas on avenues where an abundance of pedestrian as well as vehicular traffic is present is another matter that will present a considerable safety problem.

In those districts where parking may easily be supplied on the ground, the requirements set forth in the Proposal appear to be reasonable. There is some question, however, as to the necessity of requiring a dustless surface for small parking areas.

EXAMPLES OF REQUIRED OFF-STREET PARKING IN RESIDENCE DISTRICTS

EXAMPLE	NUMBER OF ROOMS PER DWELLING UNIT	CHARACTER OF DWELLING UNITS	SIZE OF PLOT	AREA OF PLOT	NUMBER OF DWELLING UNITS*	CAR STORAGE SPACES REQUIRED AT 20% OF DWELLING UNITS	STORAGE AREA REQUIRED AT 250 SQ. FT. PER CAR
1.	1½ to 4	Small housekeeping	98' (Irreg.) x 130'	12,740 sq. ft.	158	32	8,000 sq. ft.
2.	1 to 4	Small luxury	100'-5" x 125'	12,550 sq. ft.	117	24	6,000 sq. ft.
3.	2 to 5	Small light housekeeping	133' x 100'-5"	13,350 sq. ft.	112	24	6,000 sq. ft.
4.	3 to 6	"Co-op" medium luxury	100' x 102'-2"	10,210 sq. ft.	47	10	2,500 sq. ft.
5.	1½ to 3	Small light housekeeping	86' x 100' x 25' (Irreg.)	10,200 sq. ft.	170	34	8,500 sq. ft.
6.	1½, 2½, 3, 3½ & 4	Small light housekeeping	77'-10" x 141'-7"	11,000 sq. ft.	216	44	11,000 sq. ft.
7.	2 to 7	Small & large	106'-5" x 132'-8"	14,000 sq. ft.	139	28	7,000 sq. ft.
8.	2, 3 & 4	Small housekeeping	100' x 100'-8"	10,067 sq. ft.	142	29	7,250 sq. ft.
9.	1½ & 2½	Small Min. kitchenettes	100'-5" x 150'	15,000 sq. ft.	214	43	10,750 sq. ft.
10.	3 & 4 (some 6)	Small housekeeping	102'-2" x 117'	11,950 sq. ft.	100	20	5,000 sq. ft.
11.	17 room apts.	Large luxury	100' x 100'	10,000 sq. ft.	17	4	1,000 sq. ft.
12.	3 to 6	Medium luxury	100'-10" x 150"	15,125 sq. ft.	150	30	7,500 sq. ft.

* 1st Floors **not** counted.

Surfacing (Section 1032.31). This section states that "all open off-street parking areas shall be surfaced with a dustless material, except as provided for one-family detached residences in Section 1651.42."

The above regulation applies to all Residence Districts. There is no reason whatever for such a requirement on the lot of a single-family or two-family residence, nor, in fact, for any open accessory parking space with a capacity of not more than 10 cars. This requirement appears to be based upon aesthetic considerations only.

Section 1651.42 permits the Board of Standards and Appeals to grant an exception to the above requirements in the case of a single-family residence "if evidence is presented which satisfies the Board that the owner of such one-family detached residence does not expect to own an automobile during the period of his occupancy of such residence." Circumstances may change overnight for the owner. This should be omitted. It is meaningless. Some member of his family may decide to buy a car at any time.

Section 1033. The definition of an "accessory building" specifically places it only on the same lot with the building to which it is accessory. This section permits an accessory building off the lot. Something should be added to the definition to provide for this.

Section 1034.11. The Multiple Dwelling Law was recently amended to permit the owner of a multiple dwelling to rent vacant spaces in the accessory garage to outsiders on a month to month basis. The number of spaces that can be thus rented is not limited in the Multiple Dwelling Law. In order to encourage the construction of off-street parking facilities it would be better to raise the limit stated in the Proposal from 25% to 50%.

Section 1035.10 (and 1036.30). This section provides generally that no off-street parking spaces may be provided in Residence Retail, Commercial or Manufacturing Districts which would increase the total number of off-street parking spaces — including commercial parking garages and lots — in a block to more than 500 in Residence Retail Districts or to more than 1,000 in Commercial and Manufacturing Districts unless the Department of Traffic shall certify that the additional spaces will not create serious traffic congestion in such a block.

A commercial parking lot may be in operation one day, gone the next. Builder A may hold up construction hoping Builder B will start and be required to supply parking, then Builder A will be relieved of the expense. This provision is of extremely questionable legality and should be omitted. The requirements are obviously not the same for all lots.

Section 1036.10. This section waives the requirements for accessory off-street parking on a lot "on which there is no way to arrange such spaces with access in conformance with" the requirements. It does not say who makes the decision. There is always a **way** (the section does not say "a **reasonable** way"), to get access for a price. This should be placed under the jurisdiction of the Board of Standards and Appeals; also the word "reasonable" should be inserted before the word "way."

CONCLUSION

Off-street parking requirements for the high-bulk Resi-

dence Districts in the Proposed Resolution are decidedly too rigid and would make it economically impossible to construct many of the medium-sized multiple dwellings on the usual 10,000 sq. ft. lot.

The requirements must be carefully restudied and redrafted on a more workable basis before they can be considered at all reasonable.

During restudy more careful consideration must be given to problems of safety, to financial relationships of required parking and investment, and to the basic physical relationships of parking and architectural requirements.

RESIDENCE RETAIL DISTRICTS

Required off-street parking in Residence Retail Districts is related to use. Possible combinations of use and parking run literally into the hundreds. One can only conclude that the requirements are excessively complicated. The reason for this complication is evidently the result of the choice of an overly-refined permissive system of use regulations, and the decision of relating parking requirements to the many uses resulting from this choice. The unusually fine shading of parking requirements as they are related to districts within the structure of uses, further complicates parking requirements.

A chart of examples has been prepared to give a general picture of the parking requirements in various Residence Retail Districts and under various uses. This chart has been reproduced below. Item number 2 on the chart indicates the required parking for a hospital on a 100 ft. x 100 ft. plot in a Residence Retail District mapped within an RB-7 District. Assuming full utilization of the permitted Floor Area Ratio, parking space for 40 cars would be required. This would equal in area a space at least 120% of the gross area of the site. This estimate is based on storage being provided at the rate of 250 sq. ft. per required parking space. If the building covered 65% of the lot, at least the area of two full floors would be needed for parking alone.

Heating, maintenance, storage and other utility spaces have to be accommodated on additional floor levels. A moment's reflection on the cost of building construction today will cause one to realize the financial importance of this requirement. The overall wisdom of these relatively high parking requirements in sections of the City where there is a highly developed transportation system is decidedly questionable.

From example 5 we learn that required off-street parking in a Residence Retail District, which is mapped in District RB-1, is also critically high in value. For a retail service use in this district located on a lot 100 ft. wide and 100 ft. deep, assuming full use of permitted floor area, the required parking is 24 cars. In area this would equal 72% of the site. The retail use is permitted to occupy 70% of the site, and assuming that the remaining uncovered 30% would be used for parking, an area equal to 42% of the gross site must be located off-site. The alternate arrangement is, of course, to reduce the coverage to a point where parking can be accommodated on site.

Examples 6 and 7 show that a similar condition exists in the RR Districts as they are mapped in higher bulk districts. One must conclude that in these districts the retail area is severely limited by the parking requirements. In areas of high land costs, parking requirements may greatly discourage retail developments and cause

serious loss to businessmen, realtors, and, eventually, to the City in the form of taxes. Also needed services may be withheld from the public due to the excessively high cost of providing them as a result of the unreasonably high off-street parking requirements.

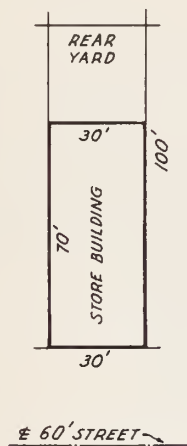


Figure 47. This is an example of a store with required yard.

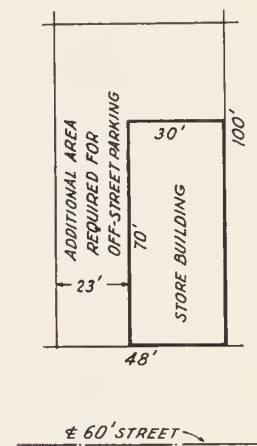


Figure 48. This shows the store of Figure 47 and the additional lot area necessary to provide required parking.

EXAMPLES OF REQUIRED OFF-STREET PARKING IN RESIDENCE RETAIL DISTRICTS

EXAMPLE	USE	DISTRICT	FLOOR AREA RATIO	LOT SIZE	PARKING SPACES REQUIRED	PARKING AREA REQUIRED IN PERCENT OF GROSS LOT AREA
1.	Hospitals	RR in RB-4	2.4	10,000 sq. ft.	14	40%
2.	Hospitals	RR in RB-7	10.00	10,000 sq. ft.	40	120%
3.	Theatres	RR in RB-3	1.4	1,000 seats	200	60,000 sq. ft. required plus building site
4.	Retail, service	RR in RA, RB-1, RB-2, RM	.7	100' x 100'	24	72%
5.	Retail, service	RR in RB-4	2.4	100' x 100'	12	30%* Retail only
6.	Supermarket	RR in RB-5	3.5	100' x 100'	24	72%

* To this amount must be added the residential requirements in the case of combined use.

CONCLUSION

The amount of off-street parking required in Residence Retail Districts is excessively high. In many cases these requirements will discourage and may even prohibit new construction resulting in great loss to businessmen, realtors, investors, and eventually to the City.

A complete restudy of the off-street parking requirements for the Residence Retail Districts is warranted. The realities of the parking problem should be considered, giving due concern to the full effects of any contemplated solution. All parties affected by parking regulations should be consulted in such a research in order that a reasonable, workable parking regulation can be written.

COMMERCIAL AND MANUFACTURING DISTRICTS

The some criticism, over-refinement and complication, is made for the off-street parking requirements for Commercial and Manufacturing Districts as was stated above for the high-bulk Residence Districts. A random selection of the many possible combinations of use, lot size and parking requirements has been made, and these appear as a chart which follows.

Example 1 from the chart shows the off-street parking requirement for a Hospital located in a CA-1 district on a lot 100 ft. x 200 ft. to be 90 cars if the full permitted floor area is used. This amount of parking would require a space equal to 112% of the gross lot area, or two floors in a building which covers 65% of the site. This is an excessively large parking requirement when judged in relation to the high cost of building construction and the availability of

public transportation to this section. An unreasonable off-street parking requirement of this type could easily discourage the provision of a much needed service for public use.

A similar condition is presented in example 2. In a CA-2 district, a Medical Center on a 20,000 sq. ft. site is required to provide parking in an amount equal to 100% of the gross area of the site. Again this would require parking on two floors, and such a requirement would certainly be a deterrent to the creation of new structures of this type.

Off-street parking requirements for an office building in a CA-3 district, which is located on a lot 100 ft. x 200 ft., are recorded in example 8. In area the required off-street parking amounts to 100% of the gross lot area. Because of the space required for elevators, fire stairs, lobby, halls, storage, and so forth, at least two floors would be required to store this quantity of automobiles. Again this is a very serious addition to the already high costs of office buildings.

The entire question of encouraging increasing numbers of cars to come into areas that already have impossible traffic problems is subject to serious consideration in relation to off-street parking requirements. No parking requirements at all in the congested areas may very well be the wise policy in the long run.

The garment center is one of the most congested traffic areas in the City. There appears to be insufficient street area in this district to handle essential trucking. What would happen to the traffic in this area if additional hundreds of passenger cars were drawn into the district, it is not difficult to imagine. Increasing the traffic congestion in the garment center seems to have been overlooked by the writer of the Proposed off-street parking regulations.

EXAMPLES OF REQUIRED OFF-STREET PARKING IN COMMERCIAL AND MANUFACTURING DISTRICTS

EXAMPLE	USE	DISTRICT	FLOOR AREA RATIO	LOT SIZE	PARKING SPACES REQUIRED	PERCENT OF LOT AREA REQUIRED FOR PARKING
1.	Hospitals	CA-1	10.00	100' x 200'	90	112%
2.	Medical & Dental Offices & Group Medical Centers	CA-2	10.00	200' x 100'	67	100%
3.	Community Centers, etc.	MB-3	7.0	100' x 100'	34	102%
4.	Hotels	CB-5	10.00	100' x 200'	67	134 %
5.	Eating & Drinking Places	RB-4	2.40	100' x 100'	60	150%
6.	Retail, Service, Commer- cial and Manufacturing	MC-2	5.00	100' x 100'	25	75%
7.	Retail, Service, Commer- cial and Manufacturing	MB-3	7.00	100' x 100'	20	60%
8.	Central Office	CA-3	10.00	100' x 200'	67	100%
9.	Manufacturing Loft	MA-2	15.00	100' x 200'	75	113 %
10.	Storage	CD-3	5.00	100' x 100'	17	51%
11.	Storage	CD-3	5.00	100' x 200'	25	11%

Example 9 shows the required parking for a loft building in on MA-2 district to be 113% of a 100 ft. x 200 ft. site, assuming full use of the permitted Floor Area Ratio of 15. No parking requirements at all would be better for this district. The same principle holds true of the overly congested Grand Central District.

It is hard to understand the necessity for required off-street parking for Storage Uses. These buildings are generally of the type which have few employees, and the expense of providing ramps and parking spaces where there may be little need is wasteful and unwarranted.

The following is a quotation from a statement made by the City Planning Commission in a letter to the Mayor dated September 12,

1951, which was reproduced in the City Record on December 28, 1951.

"... To the east of 9th Avenue between 14th Street and 59th Street are situated the garment and fur centers, the theatrical, department store and hotel districts, transportation centers, such as Pennsylvania and Grand Central Terminals and the Port Authority Bus Terminal, the Times Square area, Rockefeller Center and numerous mercantile centers and retail districts. This part of Manhattan is characterized by high vehicular and pedestrian traffic density, each sector having peak concentrations of variance with others with the result that congestion is dense, except for part of the past-midnight period. The introduction of more surface traffic into this highly congested area is neither logical nor warranted."

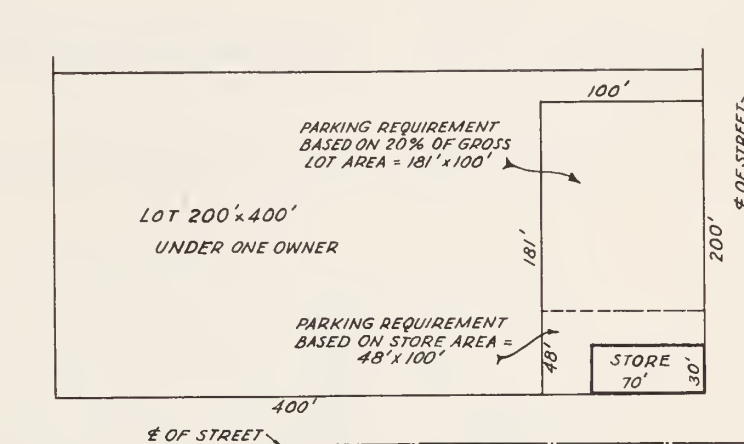


Figure 49. This illustration shows a possible situation that might arise in a CD-1, CD-2, or a CM-1 district as a result of the parking requirement which states that at least 20% of a zoning lot in the above mentioned districts must be reserved for parking. The requirement is obviously incorrectly drafted.

CONCLUSION

The required off-street parking regulations for Commercial and Manufacturing Uses and, in fact, for all Uses, have been drafted without sufficient consideration being given to the problems they may create. In many instances these requirements will discourage and may even prohibit the construction of many new buildings. This will result in great financial loss to businessmen, realtors, investors, loss to the public of needed services, and eventually loss to the City in the form of taxes. In addition, it is an open question

whether required parking in many of the congested districts may not create a traffic problem which is greater than the parking problem which it attempts to solve.

A complete restudy and redrafting of the off-street parking requirements in all districts is a necessity. The realities of the parking problem should be considered, giving due concern to the full effects of any contemplated solution. All parties affected by parking regulations should be consulted in such a research in order that a reasonable, workable parking regulation can be written.

ARTICLE 11 ACCESSORY OFF-STREET LOADING BERTHS

There is no question as to the necessity for providing off-street loading space in new and large commercial and manufacturing plants. Retroactive requirements are of very questionable legality and should be omitted.

Although it is true that the need for off-street loading facilities is in direct proportion to the size and use of the building, and to the relative amount of congestion in the surrounding streets, we agree with the Consultants' view that requirements in the high-density areas should not be as stringent as those in the low-bulk areas.

A far greater sacrifice by the owner is involved in giving up frontage for unloading facilities in the high-bulk than in low-bulk areas.

The detailed requirements for providing loading berths have become considerably confused. A few months ago the City Planning Commission recommended an amendment to the existing Zoning Resolution consisting of a completely revised schedule of loading berth requirements based upon Area Districts and General Use classifications which agree neither with the existing nor the Proposed requirements. At the time the Commission considered the recommended amendment, based on many months of study, to be an improvement over both the existing and Proposed loading provisions.

The subject of required off-street loading should be restudied in the light of the possible replacement of the 3 map system now in use by the Single Zoning Map.

ARTICLE 13 REGULATIONS APPLYING ALONG DISTRICT BOUNDARIES

Theoretically, a buffer zone for the protection of Residence Districts is good. There is always a great danger of complicating the procedure, however, by drawing the regulations in too great detail. This seems to be the case here. The Department of Housing and Buildings will find difficulty in administering this article. Undoubtedly, if a new city or town were being laid out, the carefully-thought-out regulations recommended in this article would be valuable and

practicable.

Section 7-A of the present Resolution was a step in the right direction, but does not go far enough.

It is recommended that this article be rewritten with a view toward simplification.

ARTICLE 15 BULK REGULATIONS APPLYING IN OTHER SPECIAL LOCATIONS

HEIGHT REGULATIONS AROUND AIRPORTS

It is not feasible to compare the present height regulations around public and private land airports with the regulations proposed in the Harrison, Ballard & Allen report. The present height restrictions are based entirely upon the several Height Districts shown on the zoning maps; the Proposed new regulations are far more complicated.

In Section 1513 of the Proposal we find the following:

"A map showing the approximate maximum heights to which any building or other structure may be built within the area subject to Sections 1511-1514 is on file with the Department of City Planning, Division of Mapping and Zoning."

Unfortunately, such a map does not exist even though more than a year has passed since the Report was received by the City Planning Commission. The best information apparently available is that the Port of New York Authority is revising the proposals for regulating building heights around airports and that the Authority will have a map completed probably in the Spring of 1952 which will illustrate the new Proposed Regulations. It is understood that the work is being done in cooperation with the representatives of the City Planning Commission.

A detailed study of the Proposed height regulations would require more basic data and time than is available in this present study.

It is expected that when the new Proposals are released by the Port of New York Authority some time in the Spring of 1952, ample opportunity will be given the public to make a detailed study of these Proposals in order to determine their effect upon privately owned real estate before any hearings are held on the matter.

The height regulations set forth in Sections 1511 through 1514 apply to all buildings within three miles of a "Major Airport" and are as follows:

DISTANCE FROM NEAREST AIRPORT BOUNDARY	PERMITTED HEIGHT ABOVE CURB LEVEL
Within 1/2 mile	30 feet
1/2 to 3/4 mile	50 feet
3/4 to 2 miles	70 feet

The above restrictions are somewhat modified under certain prevailing conditions.

If a building is between two and three miles of a "Major Airport," it may not rise above a sloping plane which

(a) starts from a horizontal plane located 150 feet above the airport at its nearest boundary, and two miles from such boundary, and

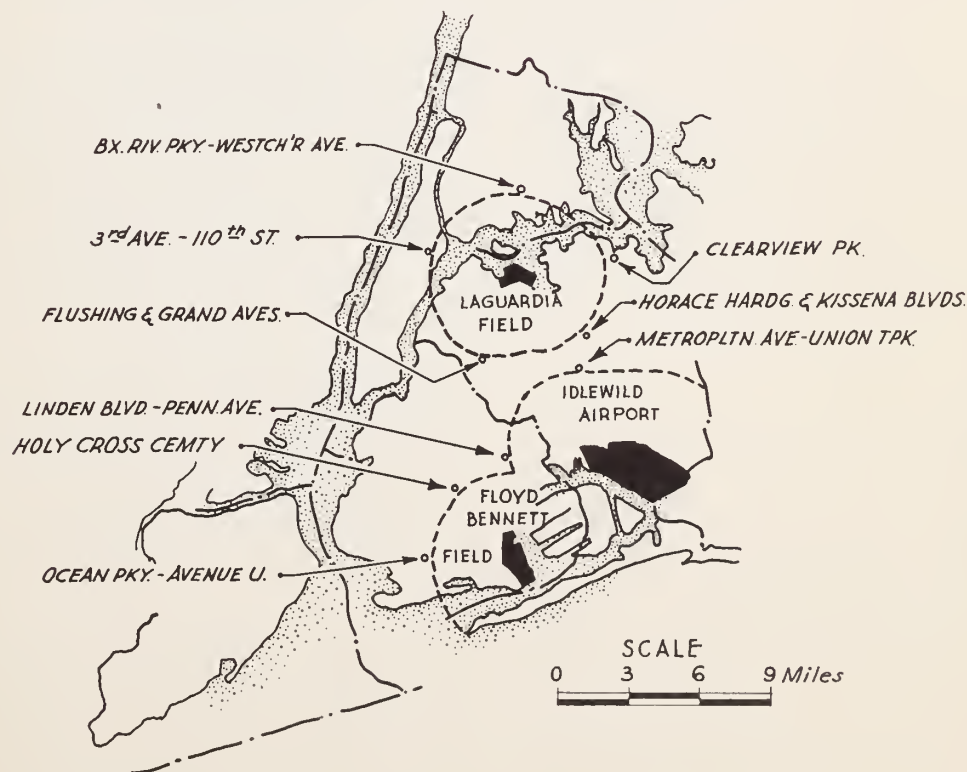


Figure 50. Map showing Limits of Proposed Airport Height Regulations.

(b) rises of a slope of 1 to 40.

Section 1520 deals with privately owned airports and gives to the City Planning Commission authority to "designate 'Airport Approach Areas,'" and to "specify appropriate limitations on the height of buildings in such areas . . ." We assume that under this section the Commission could, without any public hearing, designate "Airport Approach Areas" and specify whatever limitations on building height they consider appropriate; also change the height regulations at will.

There are two limitations on the Commission:

(a) The approach areas may not be extended more than one-half mile beyond the end of any runway, and

(b) The Commission may not prohibit the construction of any building less than 30 feet high.

The limitation on the height of privately owned buildings for the benefit of a privately-owned commercial venture is obviously unconstitutional. Also, giving the City Planning Commission the right to make up its own height restrictions at any time it pleases without a public hearing is a practice which cannot be sanctioned. Here

again is an example of the oft-repeated attempt to make zoning a matter of administrative discretion instead of law.

HEIGHT REGULATIONS AROUND SMALL PARKS

Property adjoining any public park of 1 to 15 acres in area, except a playground or parkway, is subject to the following regulations of Section 1530:

(a) The Angle of Light Obstruction shall in all cases be measured from the center line of the street bordering on such park, or from the boundary of the public park itself if there is no bordering street.

(b) The front Angle of Light Obstruction permitted for the district may not be averaged within 100 feet from the street line or park boundary.

On page 48 of the Report the authors of the Proposal state, as one of the advantages of "averaging" the Angle of Light Obstruction, "in blocks developed under these regulations, more sunlight will come into the street over the lower portions of buildings." If more light will come into the street bordering a park, more light will come into the park. What, then, is the basis for the restriction in Subsection (b)? It certainly should be omitted.



ARTICLE 16 ADMINISTRATIVE PROVISIONS

GENERAL COMMENTS

Before commenting upon this important article, it is desirable that there should be a re-statement of certain fundamental principles applicable to zoning by any municipality.

Zoning is done under the exercise of the police power, which is an attribute of the State. Before any municipality can avail itself of this power it must be conferred upon it through the medium of a State enabling act. Such an act, in which the State legislature has granted specific and adequate powers to the municipality, must precede the adoption of a legal or valid zoning ordinance or amendment thereto by such municipality.

The power of a municipality to zone is limited both by constitutional provisions and legislative delegation of authority. Zoning must serve a public purpose related to health, safety, morals or general welfare, and in addition zoning regulations must be reasonable.

One of our courts recently aptly stated in a decision involving the police power:

"No municipality has inherent authority to enact ordinances whose validity and enforcement rest on general police powers. All powers of a municipality are derived from the State, but it cannot be doubted that the State may delegate its authority or some portion of it. The police power primarily inheres in the State, but if the State constitution does not forbid, the legislature may delegate a part of such power to the municipal corporations of the State, either in express terms or by implication."

A municipality may not pass any zoning ordinance under its police power which contravenes the provision of the federal or state constitutions or conflicts with the statutory or legislative policy of the state. On the contrary, municipal ordinances depending upon the police power for their validity must expressly follow the general or special law authorizing such legislation. No other justification for such power exists.

The State has enacted separate enabling acts for cities, towns and villages as the zoning power was conferred upon each of them. The legislation relating to cities in this respect is contained in the General City Law and in the Charter of the City of New York. Under the police power a municipality thus has the power to adopt such zoning regulations as are necessary to protect and promote public health, safety and general welfare, and they must be reasonable and not arbitrary.

In determining whether an ordinance is reasonable or unreasonable, the public welfare is the dominant consideration. The segregation of industries, commercial pursuits, and dwellings of all kinds in particular districts when reasonably exercised, should bear a rational relation to public health, safety and general welfare of the community.

The purposes of zoning are as follows:

"Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."

Thus an important purpose of zoning is the safeguarding of the home by preserving the attractiveness and protecting the environment of residential areas. This is accomplished by creating residence districts in which injurious or objectionable uses such as factories, laundries, public garages, and various other uses are excluded; by maintaining adequate open spaces in the form of front, rear and side yards; and by preventing subdivisions of lots so as to unduly diminish their area; and by limiting the height of buildings.

The conservation of property values is another basic purpose of zoning. In an unzoned or improperly zoned area, the instability of its development makes the investment in any kind of improvement a hazardous venture and discourages improvements. The invasion of sections of a municipality, industrial, business, or residential, by inappropriate and inharmonious uses, results in many good buildings becoming obsolete. All zoning should be firmly directed to maintaining the integrity of each district so as to stabilize values of land and buildings.

The prevention of congestion is another zoning purpose. This, as all know, is a serious problem in many communities.

The purposes of zoning are subject to two limitations. First, the regulations must be based on considerations of the community

health, safety, morals and general welfare. Second, the regulations are to be made in accordance with a comprehensive plan, or as stated in the City Law, "in accord with a well-considered plan." These requirements of "substantial relation" and "comprehensive planning" are required for a properly balanced zoning plan and for a legal ordinance. In addition the regulations cannot be discriminatory or unreasonable.

The primary object of zoning is to prevent the exploitation of public interest, as well as to prevent a specific owner of property from injuring the value of adjacent properties by the method he uses in developing and using his own property. Zoning, therefore, serves a two-fold purpose: (1) to preserve the true character of a neighborhood by excluding new uses and structures prejudicial to the restrictive purpose of the area and the gradual elimination of such nonconforming uses and structures; and (2) to protect an owner's property or existing residences, business or industry from impairment which would result from enforced accommodation to new restrictions.

Before making specific comments on Article 16, it seems in order to criticize the following statement contained on page 110 of the Report on the Plan for Rezoning of the City of New York:

"The existing clause requiring unanimous vote by the Board of Estimate for any zoning change protested by 20% of the owners in or near the area affected was inserted to facilitate adoption of the original Zoning Resolution. For a time analogous provisions, permitting various uses in certain areas by consent of affected or nearby property owners, were also tried all over the country. It is now generally agreed that all such provisions have worked very badly. In addition to opening the way to neighborhood bickering, obstructive tactics, and even bribery, such provisions run counter to the basic principle of zoning as a legislative act in the interests of public health, safety and welfare. Out of thirty-two zoning ordinances examined, only eleven contained 20% protest clauses; they have been omitted in most recent ordinances. New York City experience has further shown how unreliable and haphazard the system of private veto has become. The 20% may, in fact, be only a single owner. Moreover, inclusion of various adjacent and opposite properties makes it possible for a single owner — who may never have seen the area — to block a change which is considered desirable by everyone in the area, by experts in the Planning Commission, and by all but one of the City's principal legislative representatives in the Board of Estimate."

This statement is, in the main, both incorrect and disingenuous. A zoning ordinance need not contain such 20% protest provision, although it may be useful to insert it therein. This provision must necessarily, to be effective, be contained in the Enabling Act, as it is here in the City Charter. This 20% protest provision is contained in a great many State enabling zoning acts. State legislatures have wisely deemed such a provision essential for the protection of adjoining and adjacent property owners.

Zoning must be based on the present and anticipated land use need of the whole area of the municipality, as well as any part of it.

Consequently any change in such zoning should be made on precisely the same basis and consideration given to the factors necessary to be considered on original zoning. The

burden of proof for any change or amendment in the zoning regulations or the map must rest upon the applicant for such change, whether it be a Planning Commission, an individual owner or the governing municipal body itself. If need cannot be satisfactorily demonstrated that such change will benefit the municipality as a whole, as well as adjacent properties and the property involved itself, then such change is very questionable. Certainly if such change will be detrimental in any substantial measure to adjacent property owners, it should not be made. This is why so many state legislatures have deemed such protest provisions essential for the protection of adjacent property owners. This provision also tends to prevent improper spot zoning changes in single parcels of property. Spot zoning, as everyone knows, may soon destroy the effectiveness of a zoning ordinance.

What possible difference can it make in property rights whether there is a single owner or five or ten owners of the 20% of the land in the area affected by a proposed zoning change? The property rights of a single owner are just as sacred as those of ten or more owners collectively. Moreover, in such case a single owner of the 20% area has more invested than any other owner when there are several owners of such area. To say that such a provision opens the way to obstructive tactics and even bribery is unfair and is not true. **Furthermore, no such protest would in any event per se prevent any proposed change in a zoning ordinance. Its only effect will be to require more members of the municipal governing body (in New York City the Board of Estimate) to vote in favor of such change than would otherwise be required.** If the proposed change is really necessary or desirable, then votes of the additional members of such Board in favor of it should be forthcoming.

This protest provision contained in the existing statute, viz., City Charter, is a salutary and protective one and should be retained. It cannot in any event be gotten rid of in so facile a manner as is apparently proposed, merely by its elimination in Sections 1630 to 1640 of the proposed amended resolution. **This 20% protest provision can be eliminated only by an act of the State legislature or by a properly enacted local city law, which would doubtless be subject to a mandatory referendum.**

Some of the critical analysis herein of this article is based upon the premise that a clear line of demarcation must exist between the functions of the Planning Commission and those of the Board of Standards and Appeals. The reason is plain — the functions of the Commission are legislative and advisory, while under the Charter the Board of Standards and Appeals, an administrative and quasi-judicial body, has been given exclusive authority, among other things, to grant zoning variances and exceptions.

There are sound reasons for this position. An important one is that an unsuccessful applicant before such Commission has no adequate recourse to the courts such as he would have through review proceedings if his appeal or application is decided against him by such Board of Appeals. Likewise, if he is successful before the Commission objecting property owners have no such adequate recourse to the courts. This is a fundamental right of all property owners, which should be preserved.

Representatives of the real estate boards and many of the active civic, commercial and industrial organizations throughout the city have unanimously adopted this position. Although this matter has

been on many occasions argued before the Planning Commission it is itself the only one which has not accepted this position, obviously because it has absorbed, and desires to continue to absorb, powers rightfully belonging to the Board of Standards and Appeals and to exercise them, or to attempt to, itself.

Since the governing or legislative body of a municipality has no power, authority or jurisdiction to review the acts of its Board of Zoning Appeals in granting or denying variances or permits (which are, however, subject to court review) since that power is by law vested exclusively in the Board of Standards and Appeals, the Planning Commission, since it is an arm of the legislative body, should, therefore, not perform, or endeavor to perform, acts which the Board of Standards and Appeals, as an administrative and quasi judicial body, should itself perform. Any attempt to do so is contrary to the fundamental spirit and purpose of zoning and the reason for the existence of a Board of Appeals.

The following is a result of a critical analysis of the preamble to the proposed amended resolution and to specific sections of said Article 16 thereof.

The preamble of the amended resolution contains the words "comfort, convenience and prosperity." These words should be eliminated as they are not contained in the Enabling Act and are an ineffective attempt to expand the police power delegated to the City.

As the whole basis for zoning rests in the exercise of the police power for the promotion of the health, safety, morals or the general welfare of the community, those are the only considerations involved. Other aims either not in conformity with or beyond such purposes may result in an invalid exercise of such power.

SECTION 1610. INTERPRETATION

1611. The last sentence of this section reads as follows:

"This amended Resolution shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes."

This provision is absolutely contrary to law. Zoning ordinances, being in derogation of common law and operating to deprive an owner of property of a use thereof which would otherwise be lawful, must be strictly construed in favor of the property owner. As stated by the New York Court of Appeals in Matter of 440 E. 102nd St. Corp. v. Murdock, 285 N. Y. at page 309, with reference to the New York City Zoning Resolution:

"Even though in cases of necessity such (zoning) laws are properly within the exercise of the police power, the whole and each and every of the parts must be given a strict construction since they are in derogation of common law rights."

1615. This section would authorize the City Planning Commission, upon application or on its own initiative, and after a public hearing, to add by resolution any new use not listed in any "Use Group" in the Zoning Resolution except Use Group 14 which is the characteristic group for the Residence Restricted-Manufacturing District. Also included in this section are a number of criteria governing special findings which would have to be made precedent to the addition of any new uses in any Use Group by the Commission.

It seems evident that the addition of new uses to any Use Group in the text of the Resolution would constitute an amendment and therefore would be a legislative act which is city-wide in its effect. Any amendment of this character certainly may be accomplished only in accordance with the provisions of Section 200 of the New York City Charter. The "special findings" enumerated are neither required nor desirable in this case.

Although one may sympathize with the author's goal of simplifying procedures, it is recommended that this entire section be omitted.

1622. The section would be improved if the word "building" were omitted. It should not be limited to building permits.

1623. (2nd paragraph) This should be written in more exact language. It should not be mandatory that a certificate of occupancy be issued by the Department of Housing and Buildings. The building or use in question may not comply with the regulations of either the existing or the amended resolution. If it complies with the existing resolution it should already have a certificate of occupancy, unless it was erected and in use prior to July 25, 1916.

1625. Criminal Liability. This section places the responsibility for violation of the Proposed Resolution upon "the owner, general agent, lessee or tenant of the building, other structure or tract of land, or upon the architect, builder, contractor or any other person who commits or assists in any such violation" if "such person shall fail to comply with such order (to remove the said violation) within ten (10) days after the service thereof."

It is questionable whether the responsibility for violating the amended resolution has been placed upon the proper person or persons. First line of this section might read as follows:

"It shall constitute a misdemeanor in any case where;" paragraph C should read "a person who is liable to remove such violation and who shall fail to comply with such order within ten (10) days after the service thereof."

1630. Amendment. In the introductory paragraph the words "comfort, convenience, prosperity and good zoning practice," should be eliminated for the reasons above set forth for their elimination in the preamble to this Proposed Amended Zoning Resolution.

1632.10, 11, 12. Proceedings to Amend the Resolution Initiated by the City Planning Commission. The Commission would be required to publish a notice in the City Record for ten days prior to any hearing on amendments, just as it is now. Also the Commission would be required to place posters announcing the public hearing every 200 feet along the frontage contemplated for change. It has been found from years of experience that posters are entirely unsatisfactory and impractical. A paragraph should be substituted here requiring that all owners of record within the area sought to be changed, or their agents, must be notified by mail. The necessary names and addresses can be obtained from the City Treasurer's Office in the respective Borough Office.

1632.13. Notices to Local Organizations. This section permits the Commission "to the extent practicable" to send notice of proposed amendments to the local post office, local community

center, local railroad station and local newspapers in the affected area; also to any groups or organizations which the Commission "deems to be interested in said area."

This provision is meaningless. The placing of public notices in the local post office, local community center or the local railroad station would probably be a good procedure in a city of 20,000 people. If the City Planning Commission desires to notify individuals or organizations that may be particularly interested in a proposed change, it can be done without permission being granted by the Zoning Resolution.

1633. Proceedings Initiated by Petition.

1633.11. Section 201 of the New York City Charter states that such proceedings initiated by taxpayers must be made only in April. This proposed section permits such petitions "at any time," which is inconsistent with the provisions of the Charter.

1633.12. Initiation of Petition by Owners or Householders (to amend the Resolution). A "householder" is defined in Section 621 of the Proposed Resolution as "the occupant of a dwelling unit, and either the owner or lessee thereof."

Section 1633.12 would permit petitions to the Planning Commission for a change in zoning "at any time during the year" (contrary to Section 201 of the New York City Charter) by "either

(a) the owners of fifty percent (50%) or more of the land in any area" (here the words "sought to be changed" should be added to make sense) "or

(b) the householders of fifty percent (50%) or more of the dwelling units in any area."

All reference to "householders" should be deleted. A tenant having no other interest in a property should have no standing in a petition for zoning changes affecting the property in which he is only a tenant. This proposed paragraph would give the tenant equal standing with the owner. Section 201 of the Charter limits applicants for changes to taxpayers (property owners).

1633.22. Posters. The same objections hold as those for Section 1632.12 above.

1633.23. By Registered Mail. A return receipt should not be required. A registered letter, if not claimed, will be returned to the sender immediately. The Post Office will certify the mailing to a list of names if by registered mail.

1633.24. Proof of Compliance. This section states that "The signers of the petition shall file with the City Planning Commission proof of compliance with the above requirements, according to forms prescribed by the Commission." This section should be simplified. Petitioners should be advised of just what they must do.

1634.10. Changes Affecting a Single Lot or a Few Lots. This section states that "no amendment of the zoning maps shall be adopted for any area of ten thousand (10,000) square feet or less, except in the following situations:"

Although one may sympathize with the authors in their endeavor to limit the bad practice of "Spot Zoning" by the City Planning

Commission, there is danger that the wording of this section would tend to define "Spot Zoning" as an area of 10,000 square feet or less; any change of a greater area would not be "Spot Zoning." Such a definition, of course, would not necessarily hold.

1634.20. Changes in an RB District Affecting Two (2) Blocks or less. This section appears to authorize the City Planning Commission to grant a change in the zoning map if the area involved is 240,000 square feet or less. Special findings are required of the Commission.

This is not a function of the City Planning Commission. Such a change should be effected by the Board of Standards and Appeals or by the process established for amending the resolution.

If the latter, the qualifying clause should be omitted as the legislative body cannot thus restrict itself.

1650. Special Permits.

1651. By the Board of Standards and Appeals. The words "subject to appropriate conditions and safeguards" should be added in this section so that the Board of Standards and Appeals may include such things in its granting resolution.

1651.33. Theatres. This section authorizes the Board of Standards and Appeals to permit theatres in an RRC District provided that prior to the granting of such special permit the Board shall make the following special findings:

(a) The facility is needed to serve the surrounding area. The word "needed" is too indefinite. This requirement should be omitted.
(b) Resulting pedestrian and vehicular traffic and signs will not harm the neighborhood.

(c) "if a residential zoning lot is immediately adjacent along a side lot line, a side yard of sufficient width to protect such zoning lot shall be provided."

The Board is limited in such a requirement to a maximum width of 30 feet for a required side yard.

Every lot in an RRC District, except at its boundaries, would be adjacent to a residence lot.

This last requirement, side yards, seems entirely unnecessary. Stores and hotels in the RRC District are not required to provide side yards. A theatre is not required to be only one story high if permitted in an RRC District. If constructed to more than one story the bulk regulations of the Residence District in which the RRC District is mapped would govern its design.

In recent years the small, so-called "art theatre" has come very much into vogue. It seems reasonable to recognize this fact and to provide in the Resolution for two distinct types of theatres. The small neighborhood theatre with a limited capacity, say 600 seats, would require a lot probably not exceeding 75 feet by 100 feet. It would not generate any considerable amount of pedestrian or vehicular traffic and would serve a real need in the neighborhood. Such theatres might well be permitted in more restricted districts than those of greater capacity.

The wisdom of authorizing the Board to permit a theatre of unlimited capacity in RRC Districts is subject to question. The fact that New York City is fortunate enough to have at the present time a competent and conscientious Board of Standards and Appeals is no guarantee that this will always be so.

1651.34. Filling Stations. This section authorizes the Board of Standards and Appeals to permit filling stations to be erected in certain Commercial Districts provided that, as a condition precedent to granting such special permit, the Board makes certain special findings among which is:

"o. That such facility is necessary to serve the surrounding residential, residence retail or general commercial area, and that it is not possible to serve such an area from a facility located in a nearby district where such facility is permitted as a matter of right."

Filling stations are, more often than not, placed on through thoroughfares to serve through traffic, not merely cars from the surrounding neighborhood. The requirement for this finding certainly should be omitted. It would prohibit the Board from granting a permit for a filling station not primarily for the benefit of the local neighborhood. The second part of the above quotation should also be omitted.

The fact may well be that a man owns a parcel of real estate in a location well suited for use by a filling station on a thoroughfare and that he does not own a lot "in a nearby district." The Board should consider his lot, not whether it is "possible" for him to buy another lot "in a nearby district."

Section 1651.42. This section authorizes the Board of Standards and Appeals to grant a variance to permit a single-family residence to be constructed without providing dustless surfacing (as required by Section 1032) on the area reserved for off-street parking space, if evidence is presented which satisfies the Board that the owner does not expect to own an automobile.

The requirement of Section 1032 is entirely unnecessary and Section 1651.42 is meaningless because the owner's attitude may change overnight, or his wife may buy a car. An eight-foot side yard is provided to permit access to the rear yard of a single-family dwelling. This is sufficient. No conclusive reason exists for requiring a "dustless surface" for the car to stand on. If it is off the street, the owner should be permitted to decide for himself what protection he will provide for his car and for his yard.

1651.52. Height Regulations Around Airports. The opponent object of this section is to give to the Board of Standards and Appeals the authority to grant variances, or special exceptions, from the provisions for height regulation around airports (Sections 1510 - 1514 and 1521 - 1523). There are two special findings, however, that the Board must make prior to the granting of any such special permits.

The first special finding is "That the Civil Aeronautics Administration has certified that the proposed construction will not involve any threat to the safety of either air passengers or occupants of the proposed buildings." In other words, the decision is made by the Civil Aeronautics Administration and not by the Board. That this procedure is not right is only too apparent. The CAA has no interest whatsoever in the plight of the property owner — its whole attention is centered upon aviation. In the event that the CAA made no

reply to an inquiry of the Board, then, of course, such application could not be acted upon favorably. Also, the applicant would probably not have any recourse to the Courts. He could not in this case question the justification of the Board's decision if his application is denied, because the Board could make no other decision.

It would seem far more reasonable to place a time limit on the certification from the CAA. But better still, as the Board is a quasi-judicial body and is required to hold an advertised public hearing before deciding upon any application, it would be best for the Board to request a report from the CAA and notify them of the hearing by registered mail so that both the applicant and the CAA may be represented at the hearing — the Board to make its decision after hearing both sides. In such a case as this the applicant could appeal to the Courts from a decision of the Board.

The second special finding is "That the Civil Aeronautics Administration and the Port of New York Authority have both certified that no reorientation of airport runways is being planned which would make the proposed building or other structure a threat to the safety of either air passengers or occupants of the proposed buildings."

Here we have two agencies involved, both of which are chiefly interested in supporting the point-of-view of aviation. If both agencies do not reply to the Board's communication, the permit cannot be granted and the applicant has no recourse to the Courts under the usual procedure. If the CAA or Port Authority thinks there may be even a slight possibility that a runway might be re-oriented sometime in the distant future, either organization could block the permit by merely ignoring the Board's communication.

It would be far better to require the Board to notify both agencies of the time and place of the hearing by registered mail — or the applicant should be required to do so. Then all interested parties would have an opportunity to be heard at the hearing.

1652.10, 20, 30, 40. Generally, the granting of all of the special exceptions listed in these sections should be under the jurisdiction of the Board of Standards and Appeals, not the City Planning Commission. A report from the City Planning Commission or other interested agency or agencies should be required in some instances before the Board may take action.

1652.50. Other Uses in an RM District. Specific, individual uses not already listed in an RM District should be permitted not by the City Planning Commission, but by the Board of Standards and Appeals. This has nothing to do with comprehensive city planning. It is confined entirely to a single use on a single property.

1661, 1662. The granting of exceptions for the operation of non-conforming uses and for variances from the requirements for floor area, angle of light obstruction and front yards in large-scale developments should be under the jurisdiction of the Board of Standards and Appeals, not the City Planning Commission.

This would have no city-wide application. It would relate only to a single development and would have no relevance for comprehensive city planning.

1663 (b). "The Commission shall ascertain by means of similar report from the appropriate City Departments, the situation with

respect to other community facilities (health centers, playgrounds and the like), whenever the Commission considers this necessary." This requirement is impractical and should be omitted. If for on individual case it seems essential to secure this information, the Commission can take the necessary steps to get it.

ERRORS IN THE RESOLUTION

This study of the Proposed Resolution has turned up a number of errors in both text and tables which should be corrected before steps are taken to have the document enacted into law. These errors are petty for the most part, but they tend to create confusion and to reflect upon the quality of presentation in the Resolution. While a complete listing of errors would be inappropriate here, a few typical examples will suffice to point up the problem and these are listed as follows:

Erroneous Headings. Section 922.41, entitled *Addition To Lower Portion Of Building* may in fact apply to higher portion of building if such portion is set back far enough. Section 1036.21 is entitled *Waiver For Small Zoning Lots* but may apply to a lot of any size provided the number of dwelling units is less than the prescribed minimum for parking.

Section 1036.32 is entitled *Waiver For Small Zoning Lots* but may apply to a large lot if building thereon is small since parking requirements are a function of floor area in these districts, not of lot size.

Erroneous Inclusions. Section 224.11 sets forth rear angle requirements for corner lots in RA and RB. But in RA, there are no angles of light obstruction. Col. "L" of Section 220 repeats this error. Cols. Q, R, and S of Section 220 give references to usable open space regulations for RB-7, a district which has no requirements for usable open space.

SUMMARY
of
PROPOSED RESOLUTION

SUMMARY OF PROPOSED RESOLUTION

Below is a short description of each Zoning District as proposed in the Plan for Rezoning New York City.

Following this are six charts which summarize the provisions of the Proposed Resolution.

RESIDENCE A DISTRICTS

Residential construction is limited to one-family, detached houses in both the Residence A-1 and Residence A-2 Districts. Bulk control is regulated principally by yard requirements, although a maximum floor area ratio of 0.5 is proposed for both districts.

RESIDENCE A-1 DISTRICT (F.A.R. = 0.5)

This district is designed for areas of solid single-family development with relatively large lots, and conforms generally to the requirements of the present G Area District.

The RA-1 District is mapped only in areas where the present G Area District now exists, or upon request of residents.

RESIDENCE A-2 DISTRICT (F.A.R. = 0.5)

This is intended for areas of single-family development where present construction is on somewhat narrower lots than the RA-1 District and conforms generally to the requirements of the present G-1 Area District.

The RA-2 District is mapped in areas where the G-1 Area District now exists. It is proposed that it be extended only upon request of property owners.

RESIDENCE B DISTRICTS

There are seven General Residence Districts (RB Districts), in which, subject to various bulk controls, any type or combinations of types of dwellings would be permitted, including one and two family houses and all types of multiple dwellings except transient hotels. In addition to the permitted residence uses, all the usual non-residential uses that are generally associated with residence, such as churches, schools, hospitals and the like, would be permitted.

These non-residential uses would be subject to the same bulk regulations as the residential buildings as well as to additional setback regulations in the lowest bulk districts. Where necessary, special requirements are also included for off-street parking and loading facilities for these non-residential buildings.

RESIDENCE B-1 DISTRICT (F.A.R. = 0.5)

The RB-1 District is the lowest density General Residence District. The Floor Area Ratio is the same as that for single family detached houses (RA-1 and RA-2).

The requirement of side yards in this district is included in order to protect single family homes and at the same time permit construction of duplexes, garden apartments and other kinds of low density housing.

The authors state, and rightly so, that the sense of space and openness which characterizes a low density area is produced largely by a low floor area ratio and by open space permitting lawns, trees and intra-block vistas. The sense of space is not necessarily confined to one type of dwelling and can be achieved also by mixing buildings of various kinds. This district leaves to local choice the exact means of achieving these amenities.

The authors of the Proposal emphasize that since the present mapping of the RA-1, RA-2 and RB-1 Districts was necessarily accomplished in a limited time and for the most part without benefit of detailed discussions with interested local groups, further restrictions can be applied to single-family areas where local sentiment favors it.

Examples of garden apartments in approximately this bulk class are Oakland Gardens and Glen Oaks.

The RB-1 District is mapped in much of Richmond; the Flatlands and Bay Ridge Sections of Brooklyn; the outer part of Bayside, Little Neck, Howard Beach and St. Albans in Queens; and the Country Club Area in the Bronx.

RESIDENCE B-2 DISTRICT (F.A.R. = 0.8)

The RB-2 District is designed primarily for the typical higher bulk row house or garden apartment, some of which may be found in Fresh Meadows, Queens.

The essential difference between this district and an RB-1 is the absence of mandatory side yard requirements. If optional side yards are provided they are each required to be 8 feet wide. Omission of mandatory side yards is based on the premise that in districts of this bulk, residential amenities may be better achieved by continuous rows of attached buildings than by detached buildings with narrow yards between.

The RB-2 District is mapped broadly in those areas where the row house is the typical form and specifically in the following locations: College Point, northern Jackson Heights near LaGuardia Field, Richmond Hill in Queens; Throggs Neck in The Bronx; Canarsie and the Marine Park Area in Brooklyn.

RESIDENCE B-3 DISTRICT (F.A.R. = 1.4)

The RB-3 District is essentially a bridge between the low density and medium density areas. The floor area ratio of 1.4 is governed by the bulk of typical old row houses and two-story multiple dwellings as well as by the characteristic floor area ratios of current building types.

This district provides for the future building of row houses, three-story apartment developments whose floor area ratios range from 1.0 to 1.4, low-coverage six-story apartments and combinations of these and other low density dwelling types.

The need for this district is particularly evident in the older parts of Brooklyn and Queens where the pattern is predominantly that of one and two-family houses with floor area ratios in excess of 0.8. Reduction of the bulk in these areas to conform to present building practice cannot be justified, nor can destruction of their essentially low density character by spotty, very high bulk apartments.

Examples of large developments in this bulk category are Marine Terrace, Rocky Hills Gardens, the New York City Housing Authority projects: Astoria, Nastrand and Queensbridge. Sharehaven also has approximately this floor area ratio.

The RB-3 District is mapped in Astoria and Caran in Queens; and in parts of Brooklyn such as East New York.

RESIDENCE B-4 DISTRICT (F.A.R. = 2.4)

This district, RB-4, is intended for typical medium coverage, medium density development (six stories at 40% or twelve stories at 20%).

It is designed principally for areas of predominantly multi-family construction.

Some examples of recent large-scale developments which fall well within this district are: Thornycroft Apartments, Queens Boulevard Gardens, New York City Housing Authority projects: Melrose, Amsterdam and Governor Smith Houses. The average F.H.A. six-story apartment has a floor area ratio of about 1.8.

The RB-4 District is mapped in Williamsburg, Crown Heights and outer Eastern Parkway, Brooklyn; Long Island City, Queens; Williamsbridge and Morrisania in the Bronx.

RESIDENCE B-5 DISTRICT (F.A.R. = 3.5)

This district, RB-5, has a floor area ratio which approximates that of Stuyvesant Town. It is considered to be the highest bulk district that provides reasonable dwelling amenities, especially for families with children, and is the highest density district that is generally mapped.

The RB-5 district provides for 60% coverage for the typical six-story building. This district is mapped in all areas where high density apartments are necessary, except in some fully built-up and stable areas where a reduction of bulk would be unrealistic.

It is the highest density district mapped in Queens, and also in Brooklyn with the exception of Brooklyn Heights.

The RB-5 District is mapped in Jackson Heights, Rega Park and Forest Hills, Queens; Tremont Area west of Jerome Avenue in The Bronx; around Prospect Park, Brooklyn; Lower East Side and Harlem in Manhattan.

RESIDENCE B-6 DISTRICT (F.A.R. = 5.0)

The RB-6 District is intended for use in the stable, high density areas where the RB-5 requirements would be inappropriate because of the existing high-bulk buildings.

The RB-6 District is mapped between Lexington and York Avenues, Upper East Side and Washington Heights in Manhattan; west of the Canarsie, and Tremont area in The Bronx; Brooklyn Heights in Brooklyn.

RESIDENCE B-7 DISTRICT (F.A.R. = 10.0)

The RB-7 District is intended primarily for the few areas of intensive high-cost development in upper central Manhattan where established building bulk and land values are very high. The F.A.R. of 10.0 corresponds approximately to the existing bulk of those limited areas where the district is mapped.

The RB-7 District is mapped on Central Park West, Central Park South, Fifth and Park Avenues from 59th to 96th Streets, and Murray Hill, all in Manhattan.

RESIDENCE RESTRICTED-MANUFACTURING DISTRICT

(F.A.R.=0.3 for Manufacturing establishments; 0.5 for Residential buildings). The RM District is similar in many respects to Section 3 (10) of the present Resolution. Only a small carefully screened list of uses such as medical and optical goods and watch manufacturing are permitted in this district. The authors of the Plan have endeavored to limit the permitted uses in an RM District to those which require the least amount of trucking and other activities that might in any way be detrimental to the surrounding neighborhood. Ample yards and landscaping are required to assure adequate protection.

The RM District is mapped in areas such as Flushing Airport, along the Southeast border of Queens next to New York International Airport and in the low land south of Fort Wadsworth in Richmond.

RESIDENCE RETAIL DISTRICTS

The Residence Retail Districts are similar in character to the present Local Retail Districts. They are mapped within Residence Districts in order to permit retail, office and consumer services which

are used by the residents of the surrounding area on a day-to-day basis. These retail uses are permitted on the ground floor only. The overall bulk of structures in Residence Retail Districts is controlled by the bulk regulations of the Residence District within which the Residence Retail District is mapped.

RESIDENCE RETAIL A

This district is designed to provide retail stores and services in the lower bulk districts. The list of permitted uses has been restricted to uses considered necessary in the outlying areas. Off-street parking is required because most of the stores in this district would depend almost entirely on automobile trade. For this reason this district is mapped to a depth of 150 feet where practicable.

The RRA District is mapped chiefly in Staten Island and Outer Queens.

RESIDENCE RETAIL B

This district is used where considerable but scattered retail activity — as a result of present “ribbon zoning” — precludes rezoning for residence but would not justify the general shopping facilities of Residence Retail C. It is mapped to permit established uses to continue without non-conformity.

This district, unlike the other two Residence Retail Districts, is mapped only to a depth of 100 feet and the maximum size of stores is limited to 2000 sq. ft.

The RRB District is mapped in Residence B-4 through Residence B-7. In medium density areas where existing retail development between mapped clusters of Residence Retail C justifies continued retail zoning. Sections near Sunset Park shopping center in Brooklyn are typical. In high density areas where ribbon retail development predominates and where the 100-foot depth and limitation on store size would be appropriate. A typical location in Manhattan is along Amsterdam Avenue.

RESIDENCE RETAIL C DISTRICTS

This is the basic district used to provide for all types of retail functions in Residence Districts and to supplement Residence Retail A in low density districts. Wherever possible Residence Retail C is mapped to a depth of 150 feet in clusters of several blocks. The purpose is to accommodate larger stores and to provide space for accessory parking. Such parking is required, however, only in lower density districts.

The RRC District is mapped within all Residence Districts.

COMMERCIAL A AND B DISTRICTS

This commercial group contains two categories, the Restricted Commercial (CA) Districts and the General Commercial (CB) Districts. Both of these districts are primarily for retail and office use.

COMMERCIAL A DISTRICTS

There are four Restricted Commercial Districts, all serving the central Midtown and Downtown financial districts of Manhattan and the Downtown Brooklyn area.

These districts are quite similar to the present Restricted Retail Districts.

All residence buildings constructed in the CA Districts are subject to Floor Area Ratio of the RB-7 District (10).

COMMERCIAL A-1 DISTRICT (F.A.R. = 3.5)

This F.A.R. is for commercial buildings. Residence buildings are subject to the F.A.R. of RB-7 (10).

The CA-1 District is designed to serve specifically the frontage on Madison Avenue above 60th Street in Manhattan, an area predominantly residential although presently zoned as Restricted Retail. In order to prevent large commercial uses from invading this section, the Floor Area Ratio of 3.5 is set as a maximum for new commercial construction. This permits five-story buildings at 70% coverage. No one has put up a commercial building of more than four stories along this portion of Madison Avenue in the past twenty-five years, and there appears to be little likelihood of anyone doing so in the foreseeable future.

Multiple dwellings, of course, may be constructed to an F.A.R. of 10. Commercial uses when located within residence buildings would not be permitted above the ground floor.

It is probable that new commercial building on Madison Avenue above 60th Street will consist of banks, art galleries, dress shops, publishing houses and the like. These will aid rather than harm the surrounding residential neighborhood.

COMMERCIAL A-2 DISTRICT (F.A.R. = 10)

This district is designed to protect the residence uses and not discourage office and other uses surrounding the high-bulk Grand Central Area.

The CA-2 District is mapped on Park Avenue from 46th Street to 56th Street and in the area east of Park Avenue known as the United Nations approach.

COMMERCIAL A-3 DISTRICT (F.A.R. = 10)

This district is very similar to the present Restricted Retail District. It differs from CA-2 in rear yard depth only.

The CA-3 District is mapped north of the very highest concentration of commercial bulk in Midtown Manhattan and in Brooklyn in and around the Civic Center.

COMMERCIAL A-4 DISTRICT (F.A.R. = 15)

This is the highest bulk Commercial District, and is confined largely to areas where there is a predominance of buildings of very high bulk.

The CA-4 District is mapped in the Grand Central and Wall Street Areas in Manhattan.

COMMERCIAL B DISTRICTS

These districts (the CB Districts) are mapped in concentrated commercial locations throughout the City and serve the dual purpose of providing for both wholesale and retail activities and related services.

The prescribed bulks, which vary from a Floor Area Ratio of 1.0 in the lowest-bulk outlying district to a Floor Area Ratio of 10.0 in the highest Midtown General Commercial District, will serve to prevent any possible invasion of wholesale uses in the outlying areas. Many activities — retail, service and amusement — which are not permitted in the Restricted Commercial District are permitted in the General Commercial. The most significant additions are those of theatres and arenas, wholesale offices and showrooms with accessory storage, commercial public parking garages and parking lots, and several additional minor manufacturing uses.

COMMERCIAL B-1 DISTRICT (F.A.R. = 1.0)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk regulations of the RB-2 District.

This district is designed specifically for retail shopping locations in the outlying sections of the City. The main controls over bulk of buildings in this district are the parking regulations. More parking space, in comparison with floor area, is required in this district than in any other commercial district. This district is mapped, as a rule, to a depth of 200 feet.

The CB-1 District is mapped in St. John's Place in Richmond, and in Fresh Meadows, Whitestone and other centers in the outlying parts of Queens.

COMMERCIAL B-2 DISTRICT (F.A.R. = 1.4)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk regulations of the RB-3 District.

This district is used for shopping centers which are older and more built-up, and is located in areas with higher residential densities than the Commercial B-1 District.

Although the permitted F.A.R. is only slightly higher than that for the Commercial B-1 District, the parking requirement is but half that required in CB-1.

This district is mapped, as a rule, to a depth of 200 feet.

The CB-2 District is mapped in such locations as Hugh Grant Circle in The Bronx, Myrtle and Jamaica Avenues in Queens, and Bay Ridge at 86th Street in Brooklyn.

COMMERCIAL B-3 DISTRICT (F.A.R. = 2.4)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk regulations of the RB-4 District.

The Commercial B-3 District is located in the older, built-up locations. In these areas, however, the permitted bulk of structures is considered to be a more important factor than in the Commercial B-3 District.

Structures of more than 10,000 square feet, or with 7,500 square feet on the ground floor must provide parking. The ratio of parking space to floor area is nearly the same as that for the Commercial B-2 District.

This district is mapped, as a rule, to a depth of 200 feet.

The CB-3 District is mapped in locations such as Flatbush and Church Avenues in Brooklyn, Flushing in Queens, and Parkchester shopping center and Kingsbridge Road in The Bronx.

COMMERCIAL B-4 DISTRICT (F.A.R. = 5.0)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk requirements of the RB-6 District.

This district is mapped in the largest outlying business centers of the City at the points of highest building bulk concentration.

Buildings with 50,000 square feet or more of floor area are the only ones required to furnish off-street parking facilities. Loading requirements for both new and existing buildings are significant. New retail and commercial structures of 40,000 square feet or more are required to install loading berths. Wholesale, manufacturing and storage establishments built after the adoption of this Resolution would be required to install berths for structures of 15,000 square feet or more. Those in existence at the time of passage of this new Resolution would, if over 30,000 square feet in floor area, be required to install off-street loading berths.

The CB-4 District is mapped in such locations as 149th Street and Third Avenue in The Bronx, Jamaica in Queens, and in St. George, Richmond; also in Downtown Brooklyn at Flatbush Avenue and Livingston Street, and on 125th Street from Lexington to Eighth Avenues in Manhattan.

COMMERCIAL B-5 DISTRICT (F.A.R. = 10.0)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk requirements of the RB-7 District.

The Commercial B-5 District is a Central Commercial District and **is mapped** only in Downtown and Midtown Manhattan in areas surrounding the Restricted Commercial (CA) Districts where more general commercial and wholesaling activities take place.

Parking is required for buildings with 100,000 square feet of floor area or more. Loading requirements for this district start with retail and commercial buildings of 25,000 square feet and wholesale and manufacturing and storage establishments of 15,000 square feet or more in the case of new buildings. Existing retail and commercial structures of 40,000 square feet of floor area or more, and whole-

sale, manufacturing and storage buildings of 30,000 square feet or more are subject to retroactive loading provisions.

COMMERCIAL B-6 DISTRICT (F.A.R. = 10.0)

The Commercial B-6 District differs from the Commercial B-5 District only in the regulations governing signs. This district is expressly designed for the area in and around Times Square in Manhattan. The sign regulations in this district permit, therefore, more outdoor advertising than in any other Commercial District with the exception of Commercial C which has similar sign regulations.

COMMERCIAL C DISTRICT (F.A.R. = 5.0)

This open Commercial Amusement District has bulk and use regulations identical to the Commercial B-4 District, with the exception that outdoor amusements such as those found in Coney Island are permitted. Such uses as roller coasters, merry-go-rounds and shooting galleries are permitted.

The CC District is mapped in Coney Island and other commercial amusement park areas in the City.

HEAVY COMMERCIAL DISTRICTS

In addition to retail stores and personal services, automotive and other equipment repair and maintenance services, miscellaneous home furnishings, and clothes cleaning and repair services are necessary in locations convenient to residential areas. Many of these services involve some degree of nuisance. The districts provided for them are therefore called Heavy Commercial Districts.

Typical uses permitted in the Heavy Commercial Districts are automobile and trailer sales lots, building material yards of limited size, contractor's offices, auto repair garages, laundries and dry cleaning establishments, furniture and similar storage warehouses, and, surrounding cemeteries in many cases, monument works and sales establishments. All uses permitted in Residence Retail and other Commercial Districts are, of course, permitted.

In order to limit the nuisances created by the permitted uses, certain restrictions and mapping practices are proposed in the Resolution.

(a) To prevent large establishments from coming into these districts, they are seldom mapped to a depth of more than 100 feet.

(b) Where these districts abut Residence Districts, a solid wall of fire resistant material must be constructed at all such boundaries.

(c) A limitation is placed on the amount of production and servicing of goods. Not more than 10% of the floor area in any retail or wholesale establishment may be used for accessory production and servicing, and not more than 15 persons may be engaged in such production and servicing in any establishment. Machines used for such purpose are limited to a capacity of three horsepower.

(d) All activities that could create nuisance to the surrounding residential area must be conducted within completely enclosed buildings.

(e) No heavy commercial use is permitted in the same structure with residences. Parking and loading requirements for these districts

are stringent because the authors of the Resolution considered that "the predominant uses generate a great deal of automobile and truck traffic."

COMMERCIAL D-1 DISTRICT (F.A.R. = 0.8)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk regulations of the RB-1 District.

The CD-1 District has the lowest permitted bulk of all Heavy Commercial Districts. It is mapped along highways and major traffic arteries in the outlying section of the City.

The parking regulations are quite stringent. They are identical with those for the Commercial B-1 District. In addition, there is a provision proposed that in any event not less than 20% of the area of any lot in the Commercial D-1 District must be devoted to off-street parking purposes.

The CD-1 District is mapped in locations such as Coney Island Avenue in Brooklyn, Boston Post Road from Baychester Avenue to Hutchinson Street in The Bronx, Northern Boulevard east of Flushing in Queens, and Forest Avenue from Lochman Avenue to Decker Street in Richmond.

COMMERCIAL D-2 DISTRICT (F.A.R. = 1.4)

This F.A.R. applies to commercial buildings.

Residence buildings are subject to the bulk requirements of the RB-3 District.

The permitted bulk for this district is greater than that in the CD-1 District because it is mapped in more built-up, medium-density areas. With the exception of the F.A.R. and the parking requirements, the regulations for the two districts are the same.

The CD-2 District is not generally mapped along highways, where vacant land is readily available at low cost, and therefore it is not usually possible to provide as much parking as in the CD-1 District. Twenty per cent of the lot area must be devoted to parking, and uses with 3,000 square feet of floor area or more must provide one off-street parking space for each 600 square feet of floor area on the ground floor, and for each 1,000 square feet on all other floors.

COMMERCIAL D-3 DISTRICT (F.A.R. = 5.0)

This F.A.R. is for commercial buildings.

Residence buildings are subject to the bulk regulations of the RB-6 District.

This district is designed specifically for the areas of Manhattan and Brooklyn built up to a floor area ratio of 5.0 or more where there are concentrations of large storage garages, furniture warehouses and the like.

Parking and loading requirements are less than for any other Heavy

Commercial District. One parking space is required for every 1500 square feet above 50,000. Loading requirements apply to smaller buildings. New structures of over 15,000 and existing buildings with over 30,000 square feet must install at least one loading berth.

The CD-3 District is mapped in locations such as the areas adjacent to the approaches to the Washington and Queensborough Bridges in Manhattan.

COMMERCIAL-MANUFACTURING DISTRICTS

These are special districts created for a few areas in the City where the pattern of manufacturing and residence uses has become so confused and intermingled that means other than zoning will have to be employed to determine their ultimate functions. In some cases the removal of a physical structure, such as an elevated railway, might be sufficient to change the pattern of use. In others, nothing less drastic than redevelopment and rebuilding of an area for either residence or manufacturing will straighten out the present confusion of uses.

When either change has taken place it will probably be possible to rezone these areas into one of the more clearly defined districts. The proposed zoning is of an interim or temporary nature. The Commercial-Manufacturing Districts are used only for these areas.

At such time as they no longer require such special recognition, these districts should be dropped from the Resolution.

COMMERCIAL M-1 DISTRICT (F.A.R. = 1.4)

This F.A.R. is for all but residence buildings.

Residence buildings are subject to the bulk regulations of the RD-3 District.

This district is considered by the authors of the Proposed Resolution to be appropriate along the streets with elevated structures in the older low-bulk areas of Brooklyn which cut directly through residential areas. Heavy commercial and certain light manufacturing uses have crept into this frontage over the years. Particularly, a prevalence of small clothing manufacturing shops are found at scattered locations along these streets.

To a somewhat less extent this condition exists also in Queens where the manufacturing uses are not necessarily in the garment category.

Parking requirements in this district are the same as those in the CD-2 District. A minimum of 20% of the lot area must be devoted to parking, and one space per 600 square feet of floor area on the ground floor and 1,000 square feet on the other floors must be provided for buildings with over 3,000 square feet of floor area.

COMMERCIAL M-2 DISTRICT (F.A.R. = 3.5)

This F.A.R. is for all except residence buildings.

Residence buildings are subject to the bulk regulations of the RB-5 District.

The authors of the proposed Resolution consider this district to be appropriate for the blighted sections of parts of East Harlem in Manhattan and between Third and Park Avenues from Claremont to East Tremont Avenue in The Bronx. The higher floor area ratio is more appropriate in these sections.

As a measure of protection to the residents in this area, the permitted manufacturing uses must be in completely enclosed buildings and in no case may they be located in the same structure with a residence use.

One off-street parking space is required for each 2,000 square feet of floor area for structures with more than 10,000 square feet.

Off-street loading space is required for new buildings with more than 8,000 square feet of floor area and for existing buildings with more than 15,000 square feet in retail, wholesale or manufacturing uses.

MANUFACTURING DISTRICTS

Four manufacturing use districts are proposed. Manufacturing A permits garment and related light manufacturing. Manufacturing B permits an additional broad list of general manufacturing operations. Uses added for Manufacturing C include all heavy industrial categories with the exception of the more noxious and dangerous industries which are permitted in the Manufacturing D District only.

A requirement for off-street loading facilities, based on floor area, is proposed in all Manufacturing Districts. Off-street parking is required for all of the larger structures.

Where a Manufacturing District abuts a Residence District, it is proposed that transitional controls shall apply to the abutting manufacturing uses, in order to minimize the nuisance impact on the adjoining residences.

LIGHT MANUFACTURING DISTRICTS

MANUFACTURING A-1 AND A-2 DISTRICTS

These two Light Manufacturing Districts, with proposed floor area ratios of 10.0 and 15.0 respectively, are designed specifically for use in the garment manufacturing areas of Midtown Manhattan.

The distinction in bulk is primarily an effort to confine the highest bulk to as restricted an area as possible.

In addition to clothing manufacture, the use regulations permit a limited number of other non-nuisance manufacturing processes, including novelties and printing.

The exclusion of all manufacturing uses involving any degree of nuisance is recommended by the authors of the proposal to protect New York's largest basic industry so firmly established in this section.

The parking regulations in these districts apply to buildings of 100,000 square feet or more in floor area in the Manufacturing A-1 District and 150,000 square feet or more in the Manufacturing A-2 District. Parking regulations are waived for new structures which do not have at least 75 feet of frontage on a street 60 feet or less in width.

Off-street loading berths are required for new structures with more than 15,000 square feet of floor area and for existing structures with 30,000 square feet or more of floor area having at least 50 feet of street frontage.

GENERAL MANUFACTURING DISTRICTS

MANUFACTURING B-1, B-2 AND B-3 DISTRICTS

These General Manufacturing Districts with floor area ratios of 2.0, 5.0 and 7.0 respectively, are designed to provide for the majority of the City's manufacturing employment outside the garment trades.

A broad list of manufacturing activities is permitted. Since in many cases manufacturing is carried on in close proximity to residence, the heavier, more harmful industries are excluded.

New residential construction would not be permitted in these districts.

These Manufacturing B Districts are located usually on or near truck highways and in many cases have rail facilities.

Off-street parking regulations vary for each of these districts. In the Manufacturing B-1 District, a new building with 5,000 square feet or more of floor area must provide one space per 1,000 square feet; in Manufacturing B-2, for floor area of 10,000 square feet or more, one space per 2,000 square feet; in Manufacturing B-3, for floor area of 50,000 square feet or more, one space per 1,000 square feet and 100,000 square feet, and one space per 1500 square feet above 100,000.

INDUSTRIAL MANUFACTURING DISTRICTS

MANUFACTURING C-1, C-2 AND C-3 DISTRICTS

These districts, with floor area ratios of 2.0, 5.0 and 7.0 respectively, are controlled by bulk, parking and loading regulations identical to their counterparts in Manufacturing B Districts. All heavy industry except the most obnoxious is permitted in the Manufacturing C Districts.

New residence construction is excluded from all manufacturing C Districts.

HEAVY INDUSTRIAL MANUFACTURING DISTRICT

MANUFACTURING D DISTRICT

This is the only district which permits all uses including the most obnoxious and dangerous industries. Only one bulk category, floor area ratio 5.0, was established because, according to the authors of the proposal, bulk is an unimportant consideration in this district which is mapped primarily in out-of-the-way sections of the City, either well surrounded by Manufacturing Districts or separated by natural barriers from residence.

New residence construction is excluded from the Manufacturing D District.

Parking and loading requirements are identical with those for the Manufacturing B-1 and C-1 Districts.

SUMMARY CHARTS OF PROPOSED REGULATIONS

The Consultants' **Report on Proposed Zoning**, Chapter 3, emphasizes that a well organized zoning law is one which satisfies the requirements of clarity and flexibility. On the subject of clarity, the Consultants have this to say: "First, a zoning law must be as clear and easy to use as possible. Specifically, a complete, clear cut and coherently organized picture of the applicable regulations must be available for the two types of people who will be using the law most — those interested in what may be done on a specific piece of land, and those looking for a site for a specific type of establishment . . . What is important to remember is that the Proposed Resolution is designed for the user, not for the rare person who reads the entire text through."

Despite this excellent statement of objectives, the Proposed Resolution actually falls far short of the goals stipulated, leaving much to be desired in the way of clarity, simplicity and ease of use.

For the guidance of users, tables of district regulations are provided in the Resolution, but unfortunately these consist chiefly of references to sections in the text where information may be obtained.

Only in the case of simple numerical data such as floor area ratios, yard dimensions and light angles is the content of the Resolution incorporated directly in these tables.

Because the Proposed Resolution is highly complex and over-refined in detail, such a tabulation of references is inadequate.

What is required to make the resolution more intelligible to the average user is a concise summary of the pertinent provisions affecting his property. The large number of cross-references contained in the Resolution makes the need for such a summary acute, for section numbers of pertinent provision are by no means exhaustively enumerated in the district tables. As a result many references to relevant regulations come to light only with a reading of the text. A glaring example of this sort of thing is Section 1013, which is listed in the tables but under which one discovers no less

than eleven additional references to regulations that apply but do not appear in the tables.

It must be concluded that the district tables, being essentially tables of reference rather than of direct information (except as noted), do not go far enough towards affording the average user relief from the slow and tedious task of searching through and studying the text to discover what he can and cannot do with his property.

In order to meet the need for a compact summary of the text of the Resolution, the four groups of district tables provided therein have been reorganized in this report into five groups as follows: —

Residence Districts
RM & Res. Retail Districts
Commercial A & B Districts
Commercial C, D & M Districts
Manufacturing Districts

This reorganization is in essence an attempt to summarize directly in the tables as many of the representative provisions of the Resolution as possible. Where space does not permit summary of lengthy provisions or where a regulation applies only to the exceptional user, reference to the text is made by subject and section. Considerable portions of the text, of course, such as those dealing with general bulk devices, with definitions and with administrative procedures — not to mention the parking and loading tables — are too lengthy and detailed to be summarized in the district tables. Nevertheless by reducing to a minimum the need for referring to the text, we believe that substantial progress can be made towards clarifying and simplifying the provisions of the Resolution and so rendering them more intelligible to the average user.

It is our recommendation that the City Planning Commission take steps to incorporate in the Proposed Zoning Resolution, if adopted, some kind of compact summary comparable to the district tables presented with this report in order that the stated objectives of the Consultants — clarity and ease of use — may be better realized.

RESIDENCE DISTRICTS

RESIDENCE DISTRICTS

DIS- TRICTS	A PERMITTED USES	B NON-CONFORMING USES	C PERMITTED PARKING	D REQUIRED PARKING
RA-1	See use groups 1, 4			Individ. — 1 space per dwlng. un. — on lot. Group — 100% dwlng. un. — on lot. (1012.10, 1012.20)
RA-2				
RB-1	See use groups 1, 2, 4, 5	See sections 821. 824. 830. 840. 850. 860. — 862. 870. — 874.	One-family dtchd. res. — 3 spaces per dwlng. un. On lots 10,000 sq. ft. or less. (1011.10) Other res. bldgs. with F.A.R. under 2.40 — 2 spaces per dwlng. un.; with F.A.R. of 2.40 or more — 1 space per dwlng. un. (1011.10) Spaces to be on same lot except as noted par. 8. (1033.)	Individ. — 1 space per dwlng. un. — on lot. Group — 70% dwlng. un. — on lot. (1012.10, 1012.20)
RB-2				Individ. 1 space per dwlng. un. — on lot. Group — 60% dwlng. un. — on lot. (1012.10, 1012.20)
RB-3				Individ. — 1 space per dwlng. un. — on lot. Group — 50% dwlng. un. — on lot. (1012.10, 1012.20)
RB-4				Group — 40% dwlng. un. — on lot. (1012.20) Waived for lots under 10,000 sq. ft. Waived for under 25 dwlng. un.
RB-5				Group — 30% dwlng. un. — on lot. (1012.20) Waived for lots under 10,000 sq. ft. Waived for under 33 dwlng. un.
RB-6				Group — 20% dwlng. un. (1012.20) On lot or within 100 ft. (1033.11) Waived for lots under 10,000 sq. ft. Waived for under 50 dwlng. un.
RB-7				
			1. Size — 300 sq. ft. when attended in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 2. Width of access: 24 or less spaces one 8 ft. lane 25 — 50 spaces one 10 ft. lane 51 — 300 spaces two 10 ft. lanes each additional 150 spaces, add one 10 ft. lane. (1032.22) 3. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 4. In RB6 and RB7 when 150 or more spaces, curb cuts shall be on street 60 ft. or less wide and 75 ft. min. from corner. (1032.23) 5. Height — on ground fl., below ground fl., on 1st story roof, or as permitted by Board of Stand. and Appeals. (1033.20) (1651.43) 6. Surface dustless. (1032.31) except one fam. dtchd. res. (1651.42) 7. When 10 or more spaces are at grade or on roof, screen from adjoining res. lots with: 4 ft. planting or 4 ft. — 8 ft. fire resistant fence. (1032.32) 8. Off-site location of spaces permitted in RB6 and RB7 within 1000 ft. of lot. (1033.11) Spaces same ownership as use. Conform to regulations of district in which located. (1033.14) 9. Joint facilities if layout approved by Dept. of Hous'g & Bldgs. (1033.30) 10. Rental to non-occupants: 1 per dwlng. un. if separate, 25% of total if in group. 1 month min. period. Tenant may demand in 30 days. (1034.11) 11. No repairing cars or sale of gas. (1034.20) 12. Modification by Board of Standards & Appeals. (1040.00) (1651.41) 13. See regulations applying in special locations — Col. "H."	1. Size — 300 sq. ft. When attended and in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 2. Width of access: 24 or less spaces, one 8 ft. lane. 25 — 50 spaces, one 10 ft. lane. 51 — 300 spaces, two 10 ft. lanes. Each 150 additional spaces, add one 10 ft. lane. (1032.21) 3. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 4. In RB6 and RB7 when 150 or more spaces, curb cuts shall be on streets 60 ft. or less wide and 75 ft. min. from corner. (1032.23) 5. Height — on ground fl., below ground fl., on 1st story roof, or as permitted by Board of Standards & Appeals. (1033.20) (1651.43) 6. Surface dustless. (1032.31) Except as provided for one-fam. dtchd. res. (1651.43) 7. When 10 or more spaces are at grade or on roof, screen from adjoining res. Lots with: 4 ft. planting or 4 ft. — 8 ft. fire resist. fence. (1032.32) 8. Off-site spaces in same ownership as use. Conform to regulations of district in which located. (1033.14) 9. Joint facilities if layout approved by Dept. of Hous'g & Bldgs. (1033.30) 10. Rental to non-occupants: 1 per dwlng. un. if separate, 25% of total if in group. 1 month min. period. Tenant may demand in 30 days. (1034.11) 11. No repairing cars or sale of gas. (1034.20) 12. Waiver where access is forbidden. (1036.10) 13. Modification for public housing. (1036.22) 14. Modification on district boundaries. (1036.42) 15. Modification by Board of Standards & Appeals. (1040.00) (1651.41) 16. See regulations applying in special locations — Col. "H."

RESIDENCE DISTRICTS

The use and bulk regulations applying to each Residence District are set forth in the table below. Horizontal line separates districts and where necessary, are carried across columns to segregate from one another regulations applying to different districts. Conversely, when horizontal line separating districts are not contiguous across a column opposite any districts, this is an indication that the regulations of each district are listed in that portion of the column apply to all such districts, unless otherwise specifically noted. Regulations are also set forth in numbers listed in the lower portion of the chart in the appropriate column. These apply to all districts except when specified for individual districts.

E	F	G	H	J	K	L	M	N	P	Q	R	S	T	U	V							
PERMITTED LOADING	REQUIRED LOADING	SIGNS	IN SPECIAL LOCATIONS	ADMINISTRATIVE PRO- VISIONS — USE & BULK	OIS- TRICTS	FLOOR AREA RATIO	FRONT YARD	REAR YARD	SIDE YARD	ANGLE OF LIGHT OBSTRUCTION				LIGHT ACCESS UNITS	REQUIRED SET-BACKS	USABLE OPEN SPACE	SPACING BETWEEN BLOKS. ON SAME LOT	IN SPECIAL LOCATIONS	NON-CONFORMING BULKS	OIS- TRICTS		
										FRONT		REAR										
1. Open at enclosed type permitted in all districts (1110) 2. 25 ft. min. from street corner (1132.10)	Schools: Fl. area 15,000 sq. ft. or more 1 berth	1. Non-flashing non-illuminated, Accessory Building (1211) 2. One sq. ft. indicating name or address of bldg., protection, occupant's name (1211.10) 3. One sign each side. On corners, one sign each street (1212.10) 4. 32 sq. ft. "Let Sale," "For Rent," or election bulletin 11 on street land, 15 ft. min. from street line, 8 ft. min. from other lot line (1211.20) (1211.30) 5. Prohibition signs street line 12 ft. max. (1212.20) 6. Height not above ground floor, or 20 ft. max. above curb level, whichever is less (1212.30)	For larger developments, See sections 1660, 1663 For parking and loading near schools, parks, and playgrounds, See sections 1811, 1813	See Sections 1651.10 — 16 1651.20 — 21 1651.30 — 31 1651.41 — 44 1660 — 1661 See Sections 1651.10 — 14 1651.20 — 22 1651.30 — 31 1651.41 — 44 1660 — 1661	RA-1	.50		30 ft. — at grade No yard req. on through lots Omit par. 3, 4, 5 below	Two — one 5 ft. min., both 20 ft. min.			Non-residential use only — 8 units 6 contiguous	Non-res. bldg. except accessory front wall max. height — distance to CL of st. Rear or side wall max. height — distance to lot line	800 sq. ft. per dwelling unit	20 ft. min. between one-family detached lots (1227.11) 5000 sq. ft. one-family detached lots (1227.12)	Around airports, See sections 1510, 1514, 1520, 1523 Around small parks, See sections 1530, 1532 For large developments, See sections 1660, 1662, 1664		RA-1				
					RA-2	.50	15 ft.		Two — one 5 ft. min., both 13 ft. min.									RA-2				
					RB-1	.50		30 ft. Max. height 6 ft. No yard req. on through lots Omit par. 3, 4, 5 below	Two — each 8 ft. min., except one-family detached — one 5 ft. min., both — 13 ft. min.	35°							10°		13 ft. min. between one-family detached lots (1227.11) 12 ft. min. between one-family detached lots (1227.22)		RB-1	
					RB-2	.80	10 ft.	30 ft. Max. height 6 ft.		45°							10°		Res. bldgs. over 3 stories high and non-res. bldgs. (except accessory) front wall max. height — 1 1/2 x distance to CL of st. Rear or side wall max. height — 1 1/2 x distance to lot line	400 sq. ft. per dwelling unit		RB-2
					RB-3	2.40	If min. of 1/2 block frontage has yard of 10 ft. or more, 10 ft. yard required (223.11)	Omit par. 3 below		55°							15°		200 sq. ft. per dwelling unit Min. 1/6 ft. area Max. 1/3 ft. area			RB-3
					RB-4	2.40		30 ft. Max. height 6 ft.	Optional 8 ft.	60°							18°		125 sq. ft. per dwelling unit Min. 1/10 ft. area Max. 1/5 ft. area			RB-4
					RB-5	3.50				65°							20°		100 sq. ft. per dwelling unit Min. 1/12 ft. area Max. 1/6 ft. area			RB-5
					RB-6	5.00		30 ft. Max. height 12 ft.		67°		25°		75 sq. ft. per dwelling unit Min. 1/18 ft. area Max. 1/7 ft. area			RB-6					
					RB-7	.80+		30 ft. Max. height 12 ft. Corner lot — 10 ft. for distance of 20 ft. from street (223.22)		69°		30°					RB-7					
						1. Fl. area shall include: Basement, elev. shaft and stairwell, ellipse and mesh equip. space 11' headroom 7 ft. 6 in. or more. Penthouses, initial balconies and mezzanines, enclosed porch, accessory use (120.20) 2. Fl. area shall not include: Cellar, elev. and shaft bulkheads, water tanks and cooling towers, ellipse and mesh equip. space with headroom under 7 ft. 6 in. Terraces, uncovered steps, breezeways, open porches, parking, loading bays (120.20) 3. See special regulations for lots on district boundaries (123.1)	1. Permitted obstructions (132.0) 2. On corner lots, extend rear yard to one street (123.22) 3. No yard on through lots under 110 ft. deep (123.23) 4. Through lots over 110 ft. deep provide 60 ft. yard midway between streets. Or 30 ft. yard on all adjoining lot lines (123.23) 5. Very deep interior lot, Dept. of Housing & Bldg. rules (123.24) 6. Permitted obstructions (1342.00) 7. Along district boundaries (1342.00)	1. Height measured from mean level along rear yard line. When curb levels of 2 back-to-back zoning lots are higher than mean level of rear yard line, yard height may be measured above curb level. In other cases of unusual topography, Dept. of Housing & Bldg. may permit use of curb level (123.21) 2. In RA2 and RB1, existing lots under 40 ft. wide may reduce combined yard width 4 in. per ft. under 40 ft. to 5 ft. min. each (123.31) 3. In RA2 and RB1, existing lots under 40 ft. wide may reduce combined yard width 4 in. per ft. under 40 ft. to 5 ft. min. each (123.31) 4. In RB2 and RB3, lots under 30 ft. with existing res. bldg. on both sides may reduce combined yard and width 4 in. per ft. under 40 ft. to 3 ft. min. each (123.34) 5. Permitted obstructions (132.00) 6. Along district boundaries (1341.00) 7. For subdivision of zoning lots in RB1, see 713.21 8. Thru lots — RB1 — No rear angle regulation RB2 — RB7 Under 110 ft. depth, no rear angle regulation 110 ft. and over in depth — Apply rear angle either 1 ft. to end of 60 ft. open space or 12 ft. to portions at least 20 ft. from street or adjoining lot lines bounding 30 ft. open strip, including offset which is common rear lot line (1224.13, 1224.23, 632) 9. Lots along park of 1-15 acres (1531.00) (1532.00) 10. Permitted obstructions (164.00) 11. Between detached bldgs. on same lot (1227.41)	1. Assume CL of street 50 ft. from lot line lot streets over 100 ft. wide and 25 ft. from lot line lot streets under 50 ft. wide (142.10) 2. Max. setbacks for averaging: 1 1/2 x street width (143.11) 3. Min. width over which engine base line average may be measured — 20 ft. (143.13) 4. Max. width of bldg. which may rise above average Angle — 50% lot width (143.12) 5. At corners assume CL of widest street extends 100 ft. along narrowest street (142.20) 6. Corner lots — apply rear angle along lot lines 70 ft. or more from street (1224.11) 7. In RB7 on corner lot fronting on 80 ft. min. street increase rear angle to 75° along portions of rear lot line within 100 ft. from 80 ft. min. street (1224.12) 8. Thru lots — RB1 — No rear angle regulation RB2 — RB7 Under 110 ft. depth, no rear angle regulation 110 ft. and over in depth — Apply rear angle either 1 ft. to end of 60 ft. open space or 12 ft. to portions at least 20 ft. from street or adjoining lot lines bounding 30 ft. open strip, including offset which is common rear lot line (1224.13, 1224.23, 632) 9. Lots along park of 1-15 acres (1531.00) (1532.00) 10. Permitted obstructions (164.00) 11. Between detached bldgs. on same lot (1227.41)	1. All units on 60 ft. wedge (126.10) (160.10) 2. May be measured in space on lot. Required yards on adjacent lots. Public space. Dedicated private space. 3. Permitted obstructions. Bldgs. on yards required for new construction. Bldgs. not higher than 2 1/2 stories to bldg. Corners, eaves, and balconies which project 5 ft. max. at 14 ft. min. above ell., at which do not intersect a plane at 20° from ell. Splice, flagpoles, satellite, open fence, open line (162.10) 4. In RA, RB1, RB2, RB3, min. dimension is 18 ft. if floor area is under 3,000 sq. ft., and 30 ft. if floor area is 3,000 sq. ft. or more. 30 ft. when provided jointly for 7 or more families (128.21) 2. In RB4, RB5, RB6, min. dimension is 30 ft. if lot is under 30 ft. wide, use 18 ft. of lot width, whichever is less (128.22) May be on roof, min. dimension 15 ft. (128.31) May be on balconies where 1 sq. ft. counts as 2 sq. ft. Min. dimension 4 ft. 6 in. (128.32) 3. In RB1, within 20 ft. of street, max. length of bldg. wall — 100 ft. min. distance between such bldgs. — 20 ft. (1227.42) Other detached bldgs. in RB 4. For application of light obstruction rules and additional spacing regulations, see 127.40, 127.41	1. Six plan subject to review by Dept. of Housing & Bldg. (127.23) 2. In RA1, RA2, RB1, RB2 and RB3, distance between family rear end non-use bldg. height of taller bldg. (127.30) 3. In RB1, within 20 ft. of street, max. length of bldg. wall — 100 ft. min. distance between such bldgs. — 20 ft. (1227.42) Other detached bldgs. in RB 4. For application of light obstruction rules and additional spacing regulations, see 127.40, 127.41											

RESIDENCE RETAIL and RESIDENCE - RESTRICTED
MANUFACTURING DISTRICTS

RESIDENCE RETAIL and RESIDENCE - RESTRICTED - MANUFACTURING DISTRICTS

DIS- TRICTS	A	B	C	D
	PERMITTED USES	NON-CONFORMING USES	PERMITTED PARKING	REQUIRED PARKING
RM	Use Groups 1, 2, 4, 5	1. Discontinuance of use. (830) 2. If structure or bldg. is damaged or destroyed to extent of 50% of value, non-conforming use must cease. (840.) 3. No enlargement of non-conforming use. (850.) 4. Repairs: (860.) Normal maintenance permitted. (861.)	On lot	On lot Provide according to use, see tables 1023 and 1024.
	Use Group 14 or permitted under sect. 1652.50			
RRA	Use Groups 1, 2, 4, 5, 6		On lot or 600 ft. max. from lot when mapped within RB3, RB4, and RB5. (1033.12)	On lot or 600 ft. max. from lot when mapped within RB3, RB4 and RB5. (1033.12) Provide according to use, see tables 1023 and 1024.
RRB	See Groups 1, 2, 4, 5, 6, 7, 8			
RRC	Use Groups 1, 2, 3, 4, 5, 6, 7, 8			
	1. In RRA Districts, use in Group 6 not permitted above ground floor. (230.) 2. In RRB and RRC Districts, uses in Groups 6, 7 and 8 not permitted above ground floor. (230.) 3. In RRB, fl. area of any retail or other establishment listed in use Group 6, 7 or 8 shall not exceed 2,000 sq. ft. (242.11)	1. Non-conforming uses in RR may be changed as follows: From Groups 16, 17 and 18 to Groups 9 (A, B, C and F) and 14. From Groups 13 and 15 to Group 9 (A, B, C and F). (822) Subsequent changes of use. (824) 2. Termination of certain non-conforming uses in RR: (870.) Of land — after 3 years. (871.) Of non-conforming projecting and flashing signs — after 3 years. (873.)	1. Size 300 sq. ft. When attended in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 2. Width of access: 24 or less space one 8 ft. lane 25 — 50 space one 10 ft. lane 51 — 300 space two 10 ft. lanes Each additional 150 spaces, add one 10 ft. lane (1032.21) 3. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 4. Height on ground fl., below ground fl., on 1st story roof, or as permitted by Board of Standards & Appeals. (1033.20) (1651.43) 5. Surface dustless (1032.31), except one-family detached. res. (1651.43) 6. In RM, or in RR contiguous to RA, RB or RM, when 10 or more spaces are at grade or on roof, screen from adjoining res. lots (including those across street) with: 4 ft. wide planting, or 4 ft. — 8 ft. fire-resistant fence. (1032.32) 7. Off-site spaces in same ownership as use. Conform to regulations of district in which located. (1033.13) 8. Joint facilities if layout approved by Dept. of Housing and Bldgs. (1033.30) 9. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 10. No repairing cars or sale of gas. (1034.20) 11. For rental to non-occupants of spaces accessory to res., see 1034.11. 12. Modification by Board of Standards & Appeals. (1040.00) (1651.41) 13. See regulations applying in special locations — Col. "L".	1. New res. to conform to parking requirements res. district controlling bulk. 2. Size of space 300 sq. ft., when attended in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 3. Width of access: 24 or less spaces one 8 ft. lane 25 — 50 spaces one 10 ft. lane 51 — 300 spaces two 10 ft. lanes Each additional 150 spaces, add one 10 ft. lane (1032.21) 4. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 5. Surface dustless. (1032.31) Except as provided for one-family detached. res. (1651.42) 6. When contiguous to RA, RB or an RM district or located in RM and when at least 10 spaces are at grade or on roof, screen from adjoining residential lots (including those across street) with: 4-ft. wide planting, or 4 ft. — 8 ft. fire-resistant fence. (1032.32). 7. For restriction on number of spaces permitted in block in RR subject to modification by Dept. of Traffic, see 1035. 8. No repairing cars or sale of gas. (1034.20) 9. Off-site spaces in same ownership as use. Conform to regulations of district in which located (1033.13) 10. Joint facilities if layout approved by Dept. of Housing and Bldgs. (1033.30) 11. Waiver where access is forbidden. (1036.10) 12. Waiver in RR districts for lots on block with over 500 spaces. (1036.31) 13. Waiver in RR districts when requirement is under 10 spaces. (1036.32) 14. In RR mapped within RB5 — waiver for lots under 75 ft. frontage on streets 60 ft. or less (1036.33) 15. Modification for lot with 2 or more uses (1036.41) 16. Modification on district boundaries. (1036.42) 17. Modification by Board of Standards and Appeals (1651.41) 18. For regulations in special locations see col. "L". 19. Parking requirements for lots resulting from division of a lot. (713.23)

MANUFACTURING DISTRICTS

E	F	G	H	J	K	L	W	DIS- TRICTS	N	P	Q	R				S	T	U	V	DIS- TRICTS				
PERMITTED LOADING	REQUIRED LOADING	PRODUCTION AND SERVICING OF GOODS	SIGNS	SPECIAL DISTRICT REGULATIONS	ALONG DISTRICT BOUNDARIES	OTHER SPECIAL LOCATIONS	ADMINISTRATIVE PROVISIONS — USE & BULK		FLOOR AREA RATIO	REAR YARD	SIDE YARD	ANGLE OF LIGHT OBSTRUCTION				LIGHT ACCESS UNITS	RESIDENCES, SCHOOLS, HOSPITALS — APPLY BULK REGULATIONS OF:	IN SPECIAL LOCATIONS	NON-CONFORMING BULKS					
												MAXIMUM AVERAGE	MINIMUM FOR AVERAGING	MAXIMUM AVERAGE	MINIMUM FOR AVERAGING									
Permitted at 25 ft. minimum from sidewalk (1132-10)	Provide according to use and district See table 1112	Excess production & servicing shall not require processes or use groups 15, 17, or 18. A12	See table 1114 below		See sections 1712 1722 1331 1350	See table 11-3 below	1. Existence of continuous & exposed (1651-10) Extension of closed boundaries (1651-11) Extension of existing lot (1651-12) Extension of existing building (1651-13) 2. To permit the following (1651-30) Transfer of lots (1651-31) 3. On street parking & loading (1651-40) Substitution of vehicles parking provisions where requirements would be unreasonable (1651-41) Minimum of business building 1 ft. above (1651-42) Substitution of vehicle parking provisions where requirements would be unreasonable (1651-43) 4. Special regulations pertaining to business buildings, show windows, signs, fixtures and other commercial uses, on street parking & loading and yards not permitted by Article 13 along district boundaries (1651-51) 5. Width of height regulations around supports (1651-52) 6. Procedure for permits following additional uses (1652-10) Auditoriums & assembly with over 5000 seats in MA, MB, MC (1652-21) Stadiums with over 5000 seats in MB, MC (1652-22) 7. Over lot (1652-23) Large commercial parking garages and lots over 500 spaces (1652-31) Bus stations (1652-41) Airports (1652-42) Heliports (1652-43) 8. Large scale developments (1660) Use exceptions for all districts (1661) 9. Amusement facilities (1630) 10. Amusement for lots under 10,000 sq. ft. (1634-10)	MA-1	10.00	10 Feet	Minimum 8 ft. min.	65°	70°	75°	30°		RB-1			MA-1				
								MA-2	15.00			73°	35°	78°	35°					MA-2				
								MB-1	2.00			60°	18°	60°	18°					MB-1				
								MB-2	5.00			67°	25°	72°	25°					MB-2				
								MB-3	7.00			69°	30°	78°	30°					MB-3				
								MC-1	2.00			60°	18°	60°	18°					MC-1				
					See sections 1312 1313 1322 1331 1350	Signs near highways (1420-10) Signs near parks (1420-10) Water for certain signs (1420-30) See table 11-3 below	MC-2	5.00	67°	25°	72°	25°	MC-2											
							MC-3	7.00	69°	30°	78°	30°	MC-3											
							MD	5.00	67°	25°	72°	25°	MD											
	1. Existing hotels, motels, resorts and commercial buildings with lots under 75 ft. frontage on a street or lot, on lots made up of parcels from parcels B, C and D, or E, or F, or G, or H, or I, or J, or K, or L, or M, or N, or O, or P, or Q, or R, or S, or T, or U, or V, or W, or X, or Y, or Z, or AA, or AB, or AC, or AD, or AE, or AF, or AG, or AH, or AI, or AJ, or AK, or AL, or AM, or AN, or AO, or AP, or AQ, or AR, or AS, or AT, or AU, or AV, or AW, or AX, or AY, or AZ, or BA, or BB, or BC, or BD, or BE, or BF, or BG, or BH, or BI, or BJ, or BK, or BL, or BM, or BN, or BO, or BP, or BQ, or BR, or BS, or BT, or BU, or BV, or BW, or BX, or BY, or BZ, or CA, or CB, or CC, or CD, or CE, or CF, or CG, or CH, or CI, or CJ, or CK, or CL, or CM, or CN, or CO, or CP, or CQ, or CR, or CS, or CT, or CU, or CV, or CW, or CX, or CY, or CZ, or DA, or DB, or DC, or DD, or DE, or DF, or DG, or DH, or DI, or DJ, or DK, or DL, or DM, or DN, or DO, or DP, or DQ, or DR, or DS, or DT, or DU, or DV, or DW, or DX, or DY, or DZ, or EA, or EB, or EC, or ED, or EE, or EF, or EG, or EH, or EI, or EJ, or EK, or EL, or EM, or EN, or EO, or EP, or EQ, or ER, or ES, or ET, or EU, or EV, or EW, or EX, or EY, or EZ, or FA, or FB, or FC, or FD, or FE, or FF, or FG, or FH, or FI, or FJ, or FK, or FL, or FM, or FN, or FO, or FP, or FQ, or FR, or FS, or FT, or FU, or FV, or FW, or FX, or FY, or FZ, or GA, or GB, or GC, or GD, or GE, or GF, or GG, or GH, or GI, or GJ, or GK, or GL, or GM, or GN, or GO, or GP, or GQ, or GR, or GS, or GT, or GU, or GV, or GW, or GX, or GY, or GZ, or HA, or HB, or HC, or HD, or HE, or HF, or HG, or HH, or HI, or HJ, or HK, or HL, or HM, or HN, or HO, or HP, or HQ, or HR, or HS, or HT, or HU, or HV, or HW, or HX, or HY, or HZ, or IA, or IB, or IC, or ID, or IE, or IF, or IG, or IH, or II, or IJ, or IK, or IL, or IM, or IN, or IO, or IP, or IQ, or IR, or IS, or IT, or IU, or IV, or IW, or IX, or IY, or IZ, or JA, or JB, or JC, or JD, or JE, or JF, or JG, or JH, or JI, or JJ, or JK, or JL, or JM, or JN, or JO, or JP, or JQ, or JR, or JS, or JT, or JU, or JV, or JW, or JX, or JY, or JZ, or KA, or KB, or KC, or KD, or KE, or KF, or KG, or KH, or KI, or KJ, or KK, or KL, or KM, or KN, or KO, or KP, or KQ, or KR, or KS, or KT, or KU, or KV, or KW, or KX, or KY, or KZ, or LA, or LB, or LC, or LD, or LE, or LF, or LG, or LH, or LI, or LJ, or LK, or LL, or LM, or LN, or LO, or LP, or LQ, or LR, or LS, or LT, or LU, or LV, or LW, or LX, or LY, or LZ, or MA, or MB, or MC, or MD, or ME, or MF, or MG, or MH, or MI, or MJ, or MK, or ML, or MM, or MN, or MO, or MP, or MQ, or MR, or MS, or MT, or MU, or MV, or MW, or MX, or MY, or MZ, or NA, or NB, or NC, or ND, or NE, or NF, or NG, or NH, or NI, or NJ, or NK, or NL, or NM, or NN, or NO, or NP, or NQ, or NR, or NS, or NT, or NU, or NV, or NW, or NX, or NY, or NZ, or OA, or OB, or OC, or OD, or OE, or OF, or OG, or OH, or OI, or OJ, or OK, or OL, or OM, or ON, or OO, or OP, or OQ, or OR, or OS, or OT, or OU, or OV, or OW, or OX, or OY, or OZ, or PA, or PB, or PC, or PD, or PE, or PF, or PG, or PH, or PI, or PJ, or PK, or PL, or PM, or PN, or PO, or PP, or PQ, or PR, or PS, or PT, or PU, or PV, or PW, or PX, or PY, or PZ, or QA, or QB, or QC, or QD, or QE, or QF, or QG, or QH, or QI, or QJ, or QK, or QL, or QM, or QN, or QO, or QP, or QQ, or QR, or QS, or QT, or QU, or QV, or QW, or QX, or QY, or QZ, or RA, or RB, or RC, or RD, or RE, or RF, or RG, or RH, or RI, or RJ, or RK, or RL, or RM, or RN, or RO, or RP, or RQ, or RR, or RS, or RT, or RU, or RV, or RW, or RX, or RY, or RZ, or SA, or SB, or SC, or SD, or SE, or SF, or SG, or SH, or SI, or SJ, or SK, or SL, or SM, or SN, or SO, or SP, or SQ, or SR, or SS, or ST, or SU, or SV, or SW, or SX, or SY, or SZ, or TA, or TB, or TC, or TD, or TE, or TF, or TG, or TH, or TI, or TJ, or TK, or TL, or TM, or TN, or TO, or TP, or TQ, or TR, or TS, or TT, or TU, or TV, or TW, or TX, or TY, or TZ, or UA, or UB, or UC, or UD, or UE, or UF, or UG, or UH, or UI, or UJ, or UK, or UL, or UM, or UN, or UO, or UP, or UQ, or UR, or US, or UT, or UY, or UZ, or VA, or VB, or VC, or VD, or VE, or VF, or VG, or VH, or VI, or VJ, or VK, or VL, or VM, or VN, or VO, or VP, or VQ, or VR, or VS, or VT, or VU, or VV, or VW, or VX, or VY, or VZ, or WA, or WB, or WC, or WD, or WE, or WF, or WG, or WH, or WI, or WJ, or WK, or WL, or WM, or WN, or WO, or WP, or WQ, or WR, or WS, or WT, or WY, or WZ, or XA, or XB, or XC, or XD, or XE, or XF, or XG, or XH, or XI, or XJ, or XK, or XL, or XM, or XN, or XO, or XP, or XQ, or XR, or XS, or XT, or XU, or XV, or XW, or XX, or XY, or XZ, or YA, or YB, or YC, or YD, or YE, or YF, or YG, or YH, or YI, or YJ, or YK, or YL, or YM, or YN, or YO, or YP, or YQ, or YR, or YS, or YT, or YU, or YV, or YW, or YX, or YZ, or ZA, or ZB, or ZC, or ZD, or ZE, or ZF, or ZG, or ZH, or ZI, or ZJ, or ZK, or ZL, or ZM, or ZN, or ZO, or ZP, or ZQ, or ZR, or ZS, or ZT, or ZU, or ZV, or ZW, or ZX, or ZY, or ZZ																							

RESIDENCE RETAIL and RESIDENCE - RESTRICTED - MANUFACTURING DISTRICTS

F		G		H		J		K		L		W		N		P		Q		R		S				T		U		V		OIS-TRICTS															
PERMITTED LOADING		REQUIRED LOADING		PRODUCTION AND SERVICING OF GOODS		SIGNS		SPECIAL DISTRICT REGULATIONS		ALONG DISTRICT BOUNDARIES		OTHER SPECIAL LOCATIONS		ADMINISTRATIVE PROVISIONS — USE & BULK		OIS-TRICTS		FLOOR AREA RATIO		FRONT YARD		REAR YARD		SIDE YARD		ANGLE OF LIGHT OBSTRUCTION				LIGHT ACCESS UNITS		REQUIRED SET-BACKS		NON-CONFORMING BULKS		OIS-TRICTS											
						See Notes 1 & 15 below		1. Permitted use shall be within an enclosed building except as otherwise stated (221.10) 2. Unenclosed land shall be landscaped (221.20)						1. First Use — Continue & Expand (1651.10) Extension of existing building (1651.11) Extension of existing lot (1651.12) Extension of non-existing (1651.13) 2. To permit following (1651.20) (1651.30) Public utility facilities in RM (1651.21) Radio & television towers (1651.22) Fire, police, RR stations, telephone area in RM (1651.31) Tourist shops & hotels in RRC (1651.32) Theaters in RRC (1651.33) Filling stations in RRC (1651.34) Commercial parking garages and lots under 500 spaces in RR districts (1651.35) 3. Off-street parking & loading (1651.40) Substitution of alternate parking provisions where requirements would be unreasonable (1651.41) Waiver of district surcharging 1 lam dining (1651.42) Permission for bus 1 story dining in RR (1651.43) Substitution of alternate loading provisions where requirements would be unreasonable (1651.44) 4. Special Regulations pertaining to business: entrance, show windows, signs, industrial & heavy commercial uses, off street dining & loading and yard not permitted by Article 13 along district boundaries (1651.51) 5. Waiver of height regulations around airports (1651.52) 6. Procedure for permitting following (1652.10) Bus stations in RR (1652.41) Hotels in RRC districts (1652.43) 7. Other misc uses in RM (1652.50) 8. Amendments to resolution (1653.1) 9. Amendments for lots under 10,000 sq ft (1653.10)		RM		30		40 ft		100 ft (241.31)		Two 100 ft each (241.31)		35° 10° 35° 10°						8 units in 50 ft wedge Except 1 lam dining use														RM	
25 ft min from area (1147.10)		Provide according to use see 115 & 1121								See sections 1311, 1331, 1350																										RRA											
				limited to 500 sq ft of floor area and maximum of 15 horsepower max (1212.20)		See notes 2, 15 & 1121		3. Permitted use shall be within an enclosed building except as otherwise stated (222.10)																												RRB											
																																				RRC											
						RM DISTRICTS 1. Non-flammable non-luminated accessory building (1211.1) 2. Sign to indicate name or address of building (1211.10) 3. One sign each side On lot, one sign each side (1212.10) 4. 12 ft min sign height (1212.10) 5. Projection above street line 12 ft max (1212.20) 6. Height not above ground floor or 20 ft max above curb level whichever is less (1212.20) 7. Sign height (1212.11) 8. Sign height (1212.12) 9. Sign height (1212.13) 10. Sign height (1212.14) 11. Sign height (1212.15) 12. Sign height (1212.16) 13. Sign height (1212.17) 14. Sign height (1212.18) 15. Sign height (1212.19) 16. Sign height (1212.20) 17. Sign height (1212.21) 18. Sign height (1212.22) 19. Sign height (1212.23) 20. Sign height (1212.24) 21. Sign height (1212.25) 22. Sign height (1212.26) 23. Sign height (1212.27) 24. Sign height (1212.28) 25. Sign height (1212.29) 26. Sign height (1212.30) 27. Sign height (1212.31) 28. Sign height (1212.32) 29. Sign height (1212.33) 30. Sign height (1212.34) 31. Sign height (1212.35) 32. Sign height (1212.36) 33. Sign height (1212.37) 34. Sign height (1212.38) 35. Sign height (1212.39) 36. Sign height (1212.40) 37. Sign height (1212.41) 38. Sign height (1212.42) 39. Sign height (1212.43) 40. Sign height (1212.44) 41. Sign height (1212.45) 42. Sign height (1212.46) 43. Sign height (1212.47) 44. Sign height (1212.48) 45. Sign height (1212.49) 46. Sign height (1212.50) 47. Sign height (1212.51) 48. Sign height (1212.52) 49. Sign height (1212.53) 50. Sign height (1212.54) 51. Sign height (1212.55) 52. Sign height (1212.56) 53. Sign height (1212.57) 54. Sign height (1212.58) 55. Sign height (1212.59) 56. Sign height (1212.60) 57. Sign height (1212.61) 58. Sign height (1212.62) 59. Sign height (1212.63) 60. Sign height (1212.64) 61. Sign height (1212.65) 62. Sign height (1212.66) 63. Sign height (1212.67) 64. Sign height (1212.68) 65. Sign height (1212.69) 66. Sign height (1212.70) 67. Sign height (1212.71) 68. Sign height (1212.72) 69. Sign height (1212.73) 70. Sign height (1212.74) 71. Sign height (1212.75) 72. Sign height (1212.76) 73. Sign height (1212.77) 74. Sign height (1212.78) 75. Sign height (1212.79) 76. Sign height (1212.80) 77. Sign height (1212.81) 78. Sign height (1212.82) 79. Sign height (1212.83) 80. Sign height (1212.84) 81. Sign height (1212.85) 82. Sign height (1212.86) 83. Sign height (1212.87) 84. Sign height (1212.88) 85. Sign height (1212.89) 86. Sign height (1212.90) 87. Sign height (1212.91) 88. Sign height (1212.92) 89. Sign height (1212.93) 90. Sign height (1212.94) 91. Sign height (1212.95) 92. Sign height (1212.96) 93. Sign height (1212.97) 94. Sign height (1212.98) 95. Sign height (1212.99) 96. Sign height (1213.00) 97. Sign height (1213.01) 98. Sign height (1213.02) 99. Sign height (1213.03) 100. Sign height (1213.04) 101. Sign height (1213.05) 102. Sign height (1213.06) 103. Sign height (1213.07) 104. Sign height (1213.08) 105. Sign height (1213.09) 106. Sign height (1213.10) 107. Sign height (1213.11) 108. Sign height (1213.12) 109. Sign height (1213.13) 110. Sign height (1213.14) 111. Sign height																																									

This provision is ambiguous. That according to the chart, sec. 240, only uses listed in groups 3 & 5, 6, 7 & 8 come under the regulation uses in groups 1 & 2 being omitted. The written text on the other hand makes no such exception for uses in groups 1 & 2. While it is not within the province of this report to resolve such ambiguities, it is suggested that the intention of the regulation is expressed in the chart, sec. 240, rather than in the text, and that the residential uses 1 & 2 are subject to the appropriate yard and setback requirements.

COMMERCIAL A and B DISTRICTS

COMMERCIAL A and B DISTRICTS

DIS- TRICTS	A	B	C	D
	PERMITTED USES	NON-CONFORMING USES	PERMITTED PARKING	REQUIRED PARKING
CA-1	Use Groups: 1, 2, 3, 4, 5, 6, 7, 8, 9		On lot or off-site spaces within 1000 ft. (1033.13)	Provide according to use — see Table 1023.00 and 1029.00. On lot, or off-site spaces within 1000 ft. (1033.13)
CA-2				
CA-3				
CA-4				
CB-1	Use Groups: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10	1. Discontinuance of use. (830.) 2. If structure or bldg. is damaged or destroyed to extent of 50% of value, non-conforming use must cease. (840.) 3. No enlargement of non-conforming use. (850.) 4. Repairs: (860.) Normal maintenance permitted. (861.)	On lot or off-site spaces within 600 ft. (1033.12)	Provide according to use — see Table 1023 and 1024. On lot, or off-site spaces within 600 ft. (1033.12)
CB-2				
CB-3			On lot or off-site spaces within 1000 ft. (1033.13)	Provide according to use — see Table 1023 and 1024. On lot, or off-site spaces within 1000 ft. (1033.13)
CB-4				
CB-5				
CB-6				
		1. Non-conforming uses in CB may be changed as follows: From groups 16, 17 & 18 to groups 14 & 15. (823.) Subsequent changes of use. (824.)	1. Size 300 sq. ft. when attended in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.) 2. Width of access: 24 or less spaces, one 8 ft. lane. 24 — 50 spaces, one 10 ft. lane. 51 — 300 spaces, two 10 ft. lanes. Each additional 150 spaces, add one 10 ft. lane. (1032.22) 3. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 4. In all above districts except CB1, CB2, CB3, when at least 150 spaces, curb cuts shall be on street, 60 ft. or less wide, and 75 ft. min. from corner. (1032.23) 5. Surface dustless (1032.31), except as provided for one fam. dtchd. res. (1651.42) 6. When contiguous to an RA, RB, or an RM district and when at least 10 spaces are at grade or on roof, screen from adjoining res. lots with: 4 ft. wide planting, or 4 ft. — 8 ft. fire-resistant fence. (1032.32) 7. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 8. In a CA district no repairing cars or sale of gas. (1034.20) 9. Off-site spaces in same ownership as use. Conform to regulations of district in which located. (1033.13) 10. Joint facilities if layout approved by Dept. of Hous'g & Bldgs. (1033.30) 11. Rental to non-occupants of spaces accessory to res., see 1034.11. 12. For regulations in special locations see col. "L".	1. New res. to conform to parking requirements of appropriate res. district. 2. Size of space 300 sq. ft. — when attended in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 3. Width of access: 24 or less spaces, one 8 ft. lane. 25 — 50 spaces, one 10 ft. lane. 51 — 300 spaces, two 10 ft. lanes. Each additional 150 spaces, add one 10 ft. lane. (1032.22) 4. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 5. In all above districts except CB1, CB2, CB3 when at least 150 spaces, curb cuts shall be on streets 60 ft. or less wide and 75 ft. min. from corner. (1032.23) 6. Surface dustless (1032.31), except as provided for one-family dtchd. res. (1651.42) 7. When contiguous to RA, RB, or an RM district and when at least 10 spaces are at grade or on roof, screen from adjoining residential lots (including those across street) with: 4 ft. planting, or 4 ft. — 8 ft. fire-resistant fence. (1032.32) 8. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 9. In a CA district no repairing cars or sale of gas. (1034.20) 10. Off-site spaces in same ownership as use, conform to regulations of district in which located. (1033.13) 11. Joint facilities if layout approved by Dept. of Housing and Bldgs. (1033.30) 12. Waiver where access is forbidden. (1036.10) 13. Waiver for lots on block with over 500 spaces. (1036.31) 14. Waiver when requirement is under 10 spaces. (1036.32) 15. In a CA, CB4, CB5, CB6 — waiver for lots under 75 ft. frontage on streets over 60 ft. (1036.33) 16. Modification for lot with 2 or more uses. (1036.41) 17. Modification on district boundaries. (1036.42) 18. Modification by Board of Standards and Appeals. (1651-41) 19. For regulations in special locations, see col. "L".

COMMERCIAL C, D and M DISTRICTS

COMMERCIAL C, D and M DISTRICTS

DIS- TRICTS	A	B	C	D
	PERMITTED USES	NON-CONFORMING USES	PERMITTED PARKING	REQUIRED PARKING
CC	Use Groups: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.		On lot or off-site within 1000 ft. (1033.13)	On lot, or off-site within 1000 ft. (1033.13)
CD-1		Uses in Groups 16, 17, & 18 may be changed to uses in Groups 14 & 15. (823.) Subsequent changes of use. (824.)	On lot. (1033.)	On lot. (1033.)
CD-2	Use Groups: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13.			
CD-3			On lot or off-site within 1000 ft. (1033.13)	On lot, or off-site within 1000 ft. (1033.13)
CM-1			On lot. (1033.)	On lot. (1033.)
CM-2	Use Groups: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15.		On lot or off-site within 1000 ft. (1033.13)	On lot, or off-site within 1000 ft. (1033.13)
		1. Discontinuance of use. (830.) 2. If structure or bldg. is damaged or destroyed to extent of 50% of value, non-conforming use must cease. (840.) 3. No enlargement of non-conforming use (850.), except that in CD uses in Groups 14 & 15 and in CM uses in Group 16 may be enlarged to 150% of land area, or to 150% of floor area of bldgs. so occupied if bulk regulations permit. This provision to apply once only to zoning lot. (851.) 4. In CD, structural alteration per- mitted in bldg. containing uses in Groups 14 & 15. In CM, structural alteration per- mitted in bldg. containing uses in Group 16. (862.) (851.) 5. Repairs: (860.) Normal maintenance permitted. (861.)	1. Size 300 sq. ft. When attended in enclosed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 2. Width of access: 24 or less spaces, one 8 ft. lane. 25 — 50 spaces, one 10 ft. lane. 51 — 300 spaces, two 10 ft. lanes. Each additional 150 spaces, add one 10 ft. lane. (1032.22) 3. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 4. In all above districts except CB1, CB2, CB3, when at least 150 spaces, curb cuts shall be on street, 60 ft. or less wide, and 75 ft. min. from corner. (1032.23) 5. Surface dustless (1032.31), except as provided for one fam. dtchd. res. (1651.42) 6. When contiguous to an RA, RB, or an RM district and when at least 10 spaces are at grade or on roof, screen from adjoining res. lots (including those across street) with: 4 ft. wide planting, or 4 ft. — 8 ft. fire-resistant fence. (1032.32) 7. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 8. In a CA district no repairing cars or sale of gas. (1034.20) 9. Off-site spaces in same ownership as use, conform to regulations of district in which lo- cated. (1033.13) 10. Joint facilities if layout approved by Dept. of Housing & Bldgs. (1033.30) 11. Rental to non-occupants of spaces acces- sory to res., see 1034.11. 12. For regulations in special locations, see col. "L".	1. New res. to conform to parking requirements of appropriate res. district, col. "S". 2. Size of space 300 sq. ft. When attended in en- closed or semi-enclosed bldgs. or on roof — 250 sq. ft. (1031.00) 3. Width of access: 24 or less spaces, one 8 ft. lane. 25 — 50 spaces, one 10 ft. lane. 51 — 300 spaces, two 10 ft. lanes. Each additional 150 spaces, add one-10 ft. lane. (1032.21) 4. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 5. In CD3 when at least 150 spaces, curb cuts shall be on streets 60 ft. or less wide and 75 ft. min. from corner. (1032.23) 6. Surface dustless (1032.31), except as pro- vided for one-family dtchd. res. (1651.42) 7. When contiguous to RA, RB, or an RM district, and when at least 10 spaces are at grade or on roof, screen from adjoining residential lots (in- cluding those across street) with: 4 ft. wide planting, or 4 ft. — 8 ft. fire-resistant fence. (1032.32) 8. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 9. Off-site spaces in same ownership as use, con- form to regulations of district in which located. (1033.13) 10. Joint facilities if layout approved by Dept. of Housing & Bldgs. (1033.30) 11. Waiver where access is forbidden. (1036.10) 12. Waiver for lots on block with over 500 spaces. (1036.31) 13. Waiver when requirement is under 10 spaces in CC, and 5 spaces in CD and CM. (1036.32) 14. Modification for lot with 2 or more uses. (1036.41) 15. Modification on district boundaries. (1036.42) 16. Modification by Board of Standards and Appeals. (1651.41) 17. For regulations in special locations see col. "L". 18. Parking requirements for lots resulting from division of a lot. (713.23)

MANUFACTURING DISTRICTS

MANUFACTURING DISTRICTS

	A	B	C	D
DIS- TRICTS	PERMITTED USES	NON-CONFORMING USES	PERMITTED PARKING	REQUIRED PARKING
MA-1	See use groups: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15	1. Discontinuance of use. (830) 2. If structure or bldg. is damaged or destroyed to extent of 50% of value, non-conforming use must cease. (840.) 3. No enlargement of non-conforming use. (850.) Except as stated in Note 6. below. 4. Repairs: (860.) Normal maintenance permitted. (861.)	On lot, or Off-site within 1000 ft. (1033.13)	On lot, or Off-site within 1000 ft. (1033.13)
MA-2				
MB-1			On lot.	On lot
MB-2	See use groups: 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16		On lot, or Off-site within 1000 ft. (1033.13)	On lot, or Off-site within 1000 ft. (1033.13)
MB-3				
MC-1			On lot.	On lot
MC-2	See use groups: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17		On lot, or Off-site within 1000 ft. (1033.13)	On lot, or Off-site within 1000 ft. (1033.13)
MC-3				
D	See use groups: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18			On lot.
		1. Permitted enlargement in MB uses in groups 17 may be enlarged to 150% of land area, or to 150% floor area of bldgs. so occupied if permitted by bulk regulations. This provision to apply once only to zoning lot. (851.) 6. In MB, structural alteration permitted in bldg. containing use 17. In MB, MC, & MD, res. uses may be altered to increase interior livability provided no increase in no. of dwlng. un. or in bldg. bulk. (862.)	1. Size of space 300 sq. ft., when attended in enclosed or semienclosed bldg. or on roof — 250 sq. ft.. (1031.00) 2. Width of access: 24 or less spaces one 8 ft. lane 25-50 spaces one 10 ft. lane 51-300 spaces two 10 ft. lanes Each additional 150 spaces, add one-10 ft. lane. (1032.21) 3. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 4. In MA, MB3 and MC3 when at least 150 spaces, curb cuts shall be on streets 60 ft. or less wide and 75 ft. min. from corner. (1032.23) 5. Surface dustless. (1932.31) Except as provided for one-family dtchd. res. (1651.42) 6. When contiguous to RA, RB, or an RM district and when at least 10 spaces are at grade or on roof, screen from adjoining residential lots (including those across street) with: 4 ft. wide planting, or 4 ft.-8 ft. fire-resistant fence. (1032.32) 7. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 8. Off-site spaces in same ownership as use, conform to regulations of district in which located. (1033.13) 9. Joint facilities if layout approved by Dept. of Housing and Bldgs. (1033.30) 10. For regulations in special locations see col. "L."	NOTES 1. New res. to conform to parking requirements of appropriate res. district, col. "S." 2. Size of space 300 sq. ft. When attended in enclosed or semienclosed bldgs. or on roof — 250 sq. ft. (1031.00) 3. Width of access: 24 or less spaces one 8 ft. lane 25-50 spaces one 10 ft. lane 51-300 spaces two 10 ft. lanes Each additional 150 spaces, add one-10 ft. lane. (1032.21) 4. Location of access 50 ft. min. from corner for 10 or more spaces. (1032.22) 5. In MA, MB3 and MC3 when at least 150 spaces, curb cuts shall be on streets 60 ft. or less wide and 75 ft. min. from corner (1032.23) 6. Surface dustless. (1032.31) Except as provided for one-family dtchd. res. (1652.42) 7. When contiguous to RA, RB, or an RM district, and when at least 10 spaces are at grade or on roof, screen from adjoining residential lots (including those across street) with: 4 ft. wide planting, or 4 ft.-8 ft. fire-resistant fence. (1032.32) 8. For restriction on number of spaces permitted in block, subject to modification by Dept. of Traffic, see 1035. 9. Off-site spaces in same ownership as use, conform to regulations of district in which located. (1033.13) 10. Joint facilities if layout approved by Dept. of Housing and Bldgs. (1033.30) 11. Waiver where access is forbidden. (1036.10) 12. Waiver for lots on block with over 500 spaces. (1036.31) 13. Waiver when requirement is under 5 spaces. (1036.32) 14. In MA, MB3 & MC3 — Waiver for lots under 75 ft. frontage on streets 60 ft. or less. (1036.33) 15. Modification for lot with 2 or more uses. (1036.41) 16. Modification on district boundaries. (1036.42) 17. Modification by Board of Standards and Appeals. (1651.41) 18. For regulations in special locations see col. "L." 19. Parking requirements for lots resulting from division of a lot. (713.23)